



MAYOR AND COUNCIL AGENDA

NO. **3**

DEPT.: Community Planning and Development Services /DATE PREPARED: 9/21/05
STAFF CONTACT: Rebecca Torma, Planner II FOR MEETING OF: 9/26/05

SUBJECT: Public Hearing: Planned Residential Unit Exploratory Application PRU2005-00022, to construct 36 single-family detached homes, rehabilitate and reuse the Little Lodge into one single family dwelling unit, re-construct the Icehouse and Stable as accessory structures and rehabilitate and convert the historic Chestnut Lodge building to seven multi-family units; Chestnut Lodge Properties, Inc. applicant.

RECOMMENDATION: Hold the public hearing and leave the public record open until 5 p.m. on October 7, 2005.

DISCUSSION:

The applicant is proposing to redevelop the 20.43-acre site zoned R-S (Suburban Residential) as 44 dwelling units using the Planned Residential Unit (PRU) Special Development Procedure in the Zoning Ordinance. These units include seven condominiums in the Chestnut Lodge building, one dwelling in the Little Lodge with the Stable as an accessory structure, and 36 new single-family detached dwellings with detached two-car garages. The applicant also proposes to give Frieda's Cottage to Peerless Rockville for their use as an eleemosynary institution.

In order for the applicant to be able to construct the new dwellings and reuse six of the existing historic buildings, they are requesting several modifications and waivers. The modifications are listed below.

1. Reduction in side yard setbacks to 10 feet on nine lots (25 percent of the total amount)
2. Reduction in rear yard setbacks for two lots
3. Permitting the detached garages to be increased in height to 18 feet and locating them in the side yard
4. Exceed the height limit for the existing and new addition to the Chestnut Lodge
5. Permitting multi-family dwellings in Chestnut Lodge without a public park dedication
6. Modification of the road standards for right-of-way to 40 feet, measured from face of sidewalk to face of sidewalk
7. Permit a flush concrete edge along the internal road within the Historic District area
8. Modify the City's streetscape standards on Thomas Street

Planning Commission Recommendation

The Planning Commission met on August 15, 2005 and September 14, 2005 to discuss this application. During the August meeting, staff briefed the Planning Commission on the major issues with the project. At the September meeting, citizen comment was received. After discussing the application, the Planning Commission approved a motion recommending approval by a vote of 6-1. The Planning Commission's recommendation included several recommendations that are a part of Attachment #1 (see Circle 1).

Prior to making their recommendation several issues were discussed. Item numbers 1 through 4, and 6 were agreed upon by the applicant, Planning Commission and staff. The following primary items were discussed by Planning Commission and their recommendations are below:

- Dedication of parkland to the City (see Circle 2 "Parkland Dedication")– At the writing of this report, the applicant has not agreed to dedicate any parkland to the City. According to the Zoning Ordinance (Section 25—553), a PRU development that contains "multi-family dwelling units shall be limited to an amount determined by dividing the minimum lot size...into the total number of square feet in each...zone...or twenty (20) percent of the total number of dwelling units." Per the Zoning Ordinance guidelines, this development which is Zoned R-S with a minimum lot size of 20,000 square feet and seven condominiums is required to provide 140,000 square feet of public park. Staff is not confident that this limitation can be waived as suggested by the applicant. If it could be waived, staff would not recommend doing so. *The Planning Commission made a recommendation against the dedication of parkland to the City. However, they had requested a condition for the applicant to provide a conservation and access easement for the entire front portion of property for use by residents (Condition #29).*
- Status of Frieda's Cottage (see Circle 3 "Frieda's Cottage")– Originally the applicant stated that they would give Frieda's Cottage and a contribution to help renovate the building to Peerless Rockville. However, the contribution would not cover most of the cost to renovate the building for public use. In addition, the things that would have to be done to bring the structure into compliance for it to be used as a public building would distract from the historic nature. The Historic District Commission has stated that they would prefer that this building remain a single-family dwelling as that was its original use and would require the least amount of modification and no additional parking spaces. Staff has stated that the use of this building as a residence would exceed the amount of residential units permitted on the site as provided in the Master Plan. However, the development would be well under the permitted number of units if using the R-90 requirements. *The Planning Commission recommended that this building, if possible, be residential if legally possible.*
- Thomas Street improvements (see Circle 3 "Thomas Street Improvements")– Staff, the applicant and Planning Commission have agreed to modify the streetscape to allow only curb along the applicant's side of property up to Frieda's Cottage. However, staff has requested that the applicant provide curb and gutter and sidewalk along the east side of Thomas Street up to the proposed crosswalk. The applicant has not agreed to this, however, *the Planning Commission agreed with staff to have the applicant put in curb and gutter and sidewalk along the majority of this street (Condition #19).*
- Traffic and circulation (see Circle 4 "Connections to Rose Hill") – *Planning Commission suggested that the Mayor and Council re-think traffic circulation and the integration of new communities into existing ones.*
- Impervious surface relating to the existing and proposed development. (see Circle 3 "Impervious Surface") – The applicant and staff are working on getting this information to the Mayor and Council. This information will be presented at the Mayor and Council Public Hearing. *The Planning Commission recommended that the applicant provide this information to the Mayor and Council for their review.*

The following items were discussed and will be resolved at the Detailed Application stage:

- Flushed-mounted curb (see Circle 2 "Curbs in the Historic District") – The applicant proposed

a curb that would be at the same height as the asphalt. Staff has stated that they preferred a curb that would be taller than the asphalt to prevent the possibility of vehicles driving on the lawn. *Staff, Planning Commission and the applicant agreed that the type of curb to be used would be considered in the detailed application process (Condition #22).*

- Stormwater Management (see Circle 4 "Stormwater Management") – Planning Commission was concerned that this development would exceed the capacity of the system and *stated that they would look more closely at this during the Detailed Application approval process.*
- Landscape buffer (see Circle 4 "Buffers") – The Planning Commission was concerned that the proposed homes would tower over the existing homes. The applicant has proposed a 10-foot landscape buffer that is measured from their property line. In addition, the adjacent Rose Hill neighborhood has their own 10-foot landscape buffer. The applicant stated that they would be willing to consider an additional buffer. Therefore, *Planning Commission recommended that the applicant provide a scenic buffer around the perimeter of the development, as necessary (Condition #30).* The exact locations will be determined at the Detailed Application stage.
- Grading (see Circle 5) – Planning Commission and staff is concerned about raising the grade such that the land is mounded up for the proposed houses, and the relationship to the existing homes. *Staff explained to the Planning Commission that grading has not been approved as part of the Exploratory Application, and they agreed to review this item at the Detailed Application stage (Condition #27).*

Planning Commission also reviewed other issues including the timing of construction traffic and the homes on Autumn Wind Way in this development that do not face toward the street. Staff has added a condition (Condition #31), *as requested by Planning Commission, to have a construction management plan approved by staff during the detailed engineering process. The Planning Commission also had concerns about the houses on Autumn Wind Way that do not face that street, and suggested that the Mayor and Council review this during their consideration.*

Next Steps: After the public hearing record closes, the Mayor and Council will conduct a Discussion and Instructions session tentatively scheduled for October 10, 2005.

PREPARED BY:


Rebecca Torma, Planner II

APPROVED BY:


Jim Wasilak, AICP, Chief of Planning

9-21-05

Date

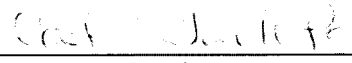
APPROVED BY:


Arthur D. Chambers, AICP, Director, CPDS

9/21/05

Date

APPROVED BY:


Scott Ullery, City Manager

9/21/05

Date

LIST OF ATTACHMENTS:

1. Planning Commission Recommendation letter
2. Planning Commission report and attachments
3. Rose Hill Homeowners Association letter
4. Thirty Oaks Homeowners Association letter
5. Exploratory Application enlargements



City of Rockville

MEMORANDUM

September 20, 2005

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Planned Residential Unit Exploratory Application PRU2005-00022, Chestnut Lodge

The Planning Commission considered the proposed PRU for Chestnut Lodge at its August 15, 2005 and September 14, 2005 meetings. The proposed development would provide 44 dwelling units including 36 new single-family dwellings, seven condominiums in the Chestnut Lodge building and one dwelling unit in the rehabilitated Little Lodge. In addition, the applicant is proposing to reconstruct the Stable and Icehouse and donate Frieda's Cottage to Peerless Rockville for either an eleemosynary institution or residential use. The Commission received comments at both meetings from the planning staff and the public.

The August meeting was a briefing for the Commission, to discuss concerns staff had with the proposed development. At the September meeting, the Commissioners made their recommendation for the proposed development. This discussion involved some of the original issues staff had at the briefing in August and additional issues that Planning Commissioners and members of the public had with the proposed development. The following issues were discussed in depth:

Modified Side Yard Setbacks

The Planning Commission discussed the applicant's request for reduced side yards for nine of the lots, from 11 feet as permitted in the R-90 zone to 10 feet. This modification would permit the applicant greater flexibility to provide for a variety of homes on the same lot and prevent the same house from being constructed on adjacent lots. Staff did not recommend approval since the applicant would be permitted to use the permitted encroachments in the Zoning Ordinance. Therefore, staff suggested a condition that would permit bay windows, vestibules or balconies that are no greater than 10 feet in width, to project no more than three feet into the side yard. In addition, houses could be no closer than 19 feet at the closest point. The Planning Commission recommended that this condition be included in the recommendation (Condition #1i).

Curbs in the Historic District

When the Historic District Commission met on July 21, 2005, they discussed a “modified” curb design for the portion of internal road that is located in the historic district. They had stated that they recommended a “modified curb design” because it “would be more sensitive to the historic setting than a typical curb and gutter configuration.” In addition, the HDC stated that substantial landscaping also was not recommended along the road. However, staff had recommended a condition for a standard curb and gutter along the entire road including the historic portion. The applicant had suggested a “modified” curb that was flush with the asphalt, as they felt that any curb and gutter might destroy the trees. However, the Planning Commission recommended a curb that would prevent vehicles from driving on the grass and roots (Condition #22).

Right-of-Way Width

Another item that was discussed at the Planning Commission meeting was the right of way location and width and the location of the public utility easement along the internal roadway not in the historic area. Staff had requested that the applicant provide 52 feet of right way, which would include the roadway, a seven-foot tree lawn, a five-foot sidewalk, and one-foot behind the sidewalk. Behind the right of way would be the 10-foot public utility easement (PUE). However, as the applicant has shown on their plans, the proposed stone walls would be located in this easement, a condition which is not permitted by the City. The applicant originally suggested a 27.33-foot right of way, which was located from back of curb to back of curb. Outside of this would be the 10-foot PUE. The compromise, which staff and the applicant agreed to, and Planning Commission recommends, is a 40-foot right of way that includes only the roadway and the seven-foot tree lawn (Condition #20). The 10-foot PUE would be behind the tree lawn and include the sidewalks to be maintained by the HOA.

Parkland Dedication

The Planning Commission also considered the lack of dedication of parkland to the City as required in the Zoning Ordinance when a PRU has multi-family units. Staff stated that they interpreted the Zoning Ordinance to not permit a waiver of this limitation. They also stated that even if it could be waived, they would not recommend doing so. Staff thought the dedication of the parkland would be a public amenity not just to the homeowners of Chestnut Lodge, but surrounding walkable neighbors in the area. The proposed dedication of land would remain as it currently is today and would be a “passive” park in the West End. In addition, if the applicant were to dedicate the parkland at this time, the City would avoid the possibility that this area would later be taken over by the City for maintenance because of the high cost to the HOA. Additionally, staff stated that if the applicant would like more maintenance than the City would provide, they are willing to have an agreement to do so. The applicant has requested that the

parkland dedication be waived and therefore, maintained by the Homeowners Association. The applicant stated that the Homeowners Association fees including the front park area would be approximately \$392 per lot per month. The Planning Commission recommended that the applicant not be required to dedicate parkland to the City (Condition #29), but that a conservation and public access easement be applied to the property.

Frieda's Cottage

Planning Commission also discussed the use of Frieda's Cottage and whether it would be an eleemosynary institution, museum, or a residential use. The applicant originally suggested that the building would be donated to Peerless Rockville along with \$100,000 to rehabilitate it. However, the money donated to Peerless Rockville would not be sufficient to renovate the building completely. Therefore, they are asking that the building be used for a residential use. The City Attorney stated that they were not sure if the additional residential unit was permitted or if the applicant would have to remove one of the new units. Therefore, the Planning Commission recommended that if legally possible, Frieda's Cottage should be allowed to be used as a residential unit.

Thomas Street Improvements

Staff recommended that the applicant make improvements along Thomas Street including curb and gutter and sidewalks. The Comprehensive Transportation Review (CTR) requires that any applicant improve the frontage of their property with sidewalk and curb and gutter, when it is substandard. Since the applicant did not want to remove trees along their side of Thomas Street, staff required the applicant to provide sidewalk, and curb and gutter along the east side of Thomas Street, a crosswalk to transfer pedestrian traffic over to the west side of Thomas Street along the frontage of Frieda's Cottage and the three new houses. In addition, staff required the applicant to provide curb and gutter along the entire frontage of their site. The applicant had agreed to provide sidewalk and curb and gutter along their side of Thomas Street and the crosswalk in the street, however, they did not want to install the sidewalk and curb and gutter along the east side of Thomas Street. The Planning Commission recommended that the applicant should have to provide the sidewalk as well as curb and gutter along the east side of Thomas Street (Condition #19), the full recommended improvements.

Impervious Surface

The Planning Commission requested that the applicant provide the impervious surface calculations for the existing development and new development. The applicant stated that they did not have those calculations, but believed it might be similar since there are currently many buildings and paved areas on the site. The applicant also stated that they would provide these

calculations for the Mayor and Council as well as when the Detailed Application is presented to the Planning Commission for review.

Stormwater Management

Planning Commission also discussed stormwater management on the site and how it might effect other surrounding developments. Staff stated that a concept stormwater plan had been approved, however, the details of the plan would be reviewed more carefully including reviewing the system outside of this development at the detailed engineering stage. In addition, staff stated that the applicant would have to meet the requirements for stormwater management including the retrofit of the pond in Rose Hill in order to develop the site. The applicant also stated that after the retrofit of the pond and with the Rose Hill neighborhood's consent, they would like to turn this pond over to the City.

Planning Commission also discussed the possible runoff onto the surrounding homes in Rose Hill. Staff stated that the applicant would have to build the stormwater system as shown on approved plans at the detailed engineering stage. Planning Commission would like to review this more closely when the detailed application returns.

Connections to Rose Hill

Two HOAs wrote letters to the Planning Commission discussing traffic circulation between this development other surrounding developments and West Montgomery Avenue. The Thirty Oaks HOA suggested a connection to the Rose Hill development. They thought a connection to Rose Hill would result in less congestion on West Montgomery Avenue. However, the Rose Hill HOA requested that no connection between their development and the Chestnut Lodge development be provided. The applicant had previously met with the Rose Hill HOA, and proposed an emergency access only to Autumn Wind Way. Planning Commission, however, suggested that the Mayor and Council rethink the lack of a connection in light of the resulting creation of isolated communities.

Buffer Areas

The Planning Commission was concerned that the proposed homes would tower over the surrounding homes. The applicant stated that they would be providing a 10-foot landscape buffer around the new homes along Tall Grass Court and along Autumn Wind Way in addition the existing 10-foot buffer on Rose Hill. They also stated that along the proposed homes that are adjacent to Tall Grass Court, which would have a five-foot high retaining wall with a 10 feet wide landscape strip and an additional nine-foot high retaining wall in some areas. Along these retaining walls and on the landing above the first wall, the applicant is proposing to provide landscaping, which would be in a 10 foot buffer area. Additionally, the applicant will provide

landscaping beyond that buffer with a tree preservation area at the level of the proposed homes. Planning Commission recommended a condition (Condition #30) for the applicant to have a consistent landscape buffer around the perimeter of the development.

Planning Commission members were also concerned that the grading would create visual problems for the existing homes. Staff stated that at this time, a condition (Condition #27) has been put in the PRU that allows for the grading to be reviewed more comprehensively at the detailed application process, which could result in lower houses.

In addition, the Planning Commission discussed the construction traffic that would be on West Montgomery Avenue. The Commissioners recommended that the staff create a condition (Condition #31) for the construction phasing of the site and traffic patterns from the vehicles going into the site. This plan would be approved through the detailed application process.

Therefore, on a motion by Commissioner Johnson, seconded by Commissioner Weiner and with Commissioners Britton, Medearis, Holtz, and Hilton voting in favor, and with Ostell voting against, the Planning Commission recommended approval of the proposed Planned Residential Unit development, subject to the discussion and straw votes conducted. The resulting conditions are listed below.

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the Exporatory plan, revised according to Planning Commission Exhibit A, to show the following:
 - a. The development standards be modified as follows for the 36 new single family detached dwellings and their accessory structures:
 - i. Minimum Rear Yard: 25 feet, except Lots 28 and 37 where it is 11 feet
 - ii. Minimum Front Yard: 17 feet from the right of way line (which is one foot behind the sidewalk)
 - iii. Minimum side yard: 11 feet
 - iv. Maximum Lot Coverage: 25 percent as defined within Chapter 25 of the Zoning Ordinance
 - v. Maximum Height: 35 feet as defined within Chapter 25 of the Zoning Ordinance
 - vi. Accessory Structures:
 1. Height and story: 18 feet and one story as defined within Chapter 25 of the Zoning Ordinance
 2. Minimum setback from Autumn Wind Way: 30 feet
 3. Minimum front yard setback from any other public right of way: 45 feet, except corner lots are permitted to be 30 feet
 - b. Chestnut Lodge



- i. Maximum height: existing 63 feet tall and new addition 41 feet tall as defined in Chapter 25 of the Zoning Ordinance
 - ii. Maximum Coverage: 25 percent as defined within Chapter 25 of the Zoning Ordinance
 - c. Stable
 - i. Maximum height: 25 feet or two stories
 - ii. Minimum rear lot line setback: 10 feet
 - iii. Minimum side lot line setback: 8 feet
 - d. Rose Hill Barn
 - i. Minimum front yard setback: 9 feet
 - ii. Maximum height: 20 feet
 - iii. Maximum Coverage: 25 percent as defined within Chapter 25 of the Zoning Ordinance
 - e. Frieda's Cottage
 - i. Minimum front yard setback: 13 feet
 - ii. Maximum Height: 35 feet as defined within Chapter 25 of the Zoning Ordinance
 - iii. Maximum Coverage: 25 percent as defined within Chapter 25 of the Zoning Ordinance
 - f. *[Deleted.]*
 - g. *[Deleted.]*
 - h. The Planning Commission will review Architectural Designs for the project at the time of Detailed Application review.
 - i. Encroachments: As permitted within Chapter 25 of the Zoning Ordinance with the exception of bay windows, vestibules or balconies located on the side yard, that are no more than 10 or less in width, to project no more than three feet, with the separation between any two houses to be no less than 19 feet measured at the closest point.
- 2. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.
- 3. All residential lots shall contain three (3) trees per lot as required by the Subdivision Ordinance. Required street trees may not be used to meet this requirement.

4. The applicant or their representatives shall clearly identify for prospective homeowners sections in the Homeowners Association documents that relate to how homeowners association and City open spaces will be managed.
5. Applicant to work closely with city Forestry staff to develop a Forest Conservation Plan to facilitate preservation of quality specimen trees within the Historic District.
6. A Forest Conservation Easement shall be placed over trees that are preserved in the Historic District in accordance with the Forest and Tree Preservation Ordinance (FTPO).
7. All tree preservation and planting requirements of the FTPO shall be met on site.
8. Invasive exotic tree and plant species shall be removed and eradicated throughout the site.
9. The streets in the rear single-family portion of the site shall have a seven-foot tree lawn with trees planted at a minimum size of 2.5 inches in caliper.
10. *[Deleted.]*
11. No utilities can be placed within the tree lawn except for lateral connections at locations to be determined during the detailed application process, and underground transformer vaults, if approved by Department of Public Works.
12. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of sixty dollars (\$60) per market-rate dwelling unit for a period of ten years (44 Dwelling Units * \$60 = \$2,640/year). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
13. The Applicant shall construct the following off-site improvements per Department of Public Works requirements. The phasing and details of the improvements will be finalized during detailed application review. If rights-of-way or construction easements are required, the applicant will provide the necessary information to the City in order to implement the improvements.
 - a. Upgrade the west side of Laird Street from West Montgomery Avenue to Anderson Avenue to include curb and gutter and drainage improvements,

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- driveway aprons, a five (5) foot sidewalk and associated buffer per Department of Public Works requirements.
- b. Construct a five (5) foot sidewalk and associated buffer on the west side of Luckett Street from Anderson Avenue to Beall Avenue.
 - c. Construct a five (5) foot sidewalk and associated buffer on Harrison Street between Forest Avenue and North Van Buren Street.
14. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.
15. A bus shelter shall be implemented at the existing bus stop on the north side of West Montgomery Avenue at Laird Street, or a contribution of \$6,500.00 shall be paid to the City's Bus Shelter CIP for installation of a bus shelter in the vicinity of the development prior to the issuance of the first building permit.
16. Bicycle lockers with five (5) bicycle parking spaces, shall be provided for the condominium units at a safe and convenient location as approved by the Traffic and Transportation Division. A potential location is in the reconstructed icehouse.
17. The Applicant shall contribute \$6,000 toward the upgrade of the existing traffic signals to include pedestrian countdown signals (12 signal heads @ \$500/each) at West Montgomery Avenue and Great Falls Road and at West Montgomery Avenue and Laird Street prior to the issuance of the first building permit.
18. The Applicant shall provide a six (6) foot wide pedestrian connection between Bullard Circle and Thomas Street.
19. Prior to issuance of first occupancy permit for homes fronting on Thomas Street, the Applicant shall upgrade both sides of Thomas Street along the entire length from West Montgomery to the dead end. This upgrade will include curb and gutter and drainage improvements, driveway aprons, a five (5) foot sidewalk and associated buffer on one or both sides of the street per Department of Public Works requirements. Final design to be approved during detailed engineering.
20. Right of Way shall be dedicated from front of sidewalk (behind the seven (7) foot tree lawn) to front of sidewalk and will include the roadway section, curb and gutter, driveway aprons and seven (7) foot tree lawn. A Public Access Easement (PAE) shall be



provided to the City to maintain public access along the privately maintained sidewalk. Water meters, sewer cleanouts and other City appurtenances shall be placed within the right of way in front of the sidewalk (within the seven (7) foot tree lawn). A ten (10) foot PUE must be provided behind the right of way and may not include any permanent structures. Electric transformers shall not be placed within the public right of way unless agreed upon by Department of Public Works.

21. Revise sidewalk on east side of access drive to accommodate access to the Lodge as shown on plans.
22. Curb and gutter shall be provided on the access road through the historic district and will be approved at the detailed application process.
23. The water capacity and pressure within the development must be checked and found to be acceptable to City staff.
24. The receiving pipes for the sanitary sewer must be checked for capacity during detailed engineering. City staff will provide existing flow capacity within the receiving sanitary sewer at this time.
25. All utilities, water, sewer, and storm drains must be placed within maintenance easements to be determined during detailed engineering. No structures or improvements will be allowed within these easements. Issues related to Lots 16 through 19 will be resolved through the detailed engineering process.
26. Stormwater Management must comply with the conditions set forth in the conditional approval of the stormwater management concept dated October 15, 2004.
27. Site grading will be approved during detailed engineering.
28. The applicant is required to provide for art for the Chestnut Lodge development in accordance with the Publicly Accessible Art in Private Development ordinance (adopted February 2004). The required expenditure for the entire project calculated in accordance with current rates is \$15,038.10 and calculated as follows:

Single Family Residential units	
36 units x \$323.40 per d.u. =	\$11,642.40
Multi-family Residential units	
7 units x \$485.10 per d.u. =	\$3,395.70
Total	\$15,038.10



Many options for compliance are available to the applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The Art in Private Development manual is available on the City's website (www.rockvillemd.gov) under the City Business section.

29. The applicant will provide a conservation and limited access easement over the entire front portion of the property that is located on the historic area. This area will not include any buildings and their lots that are located on this portion of the site.
30. In addition to the landscape buffer shown on the Exploratory plan, the applicant will provide a landscape plan as part of the Detailed Application that includes additional trees planted in the rear yards of the lots located along the periphery of the development to provide additional screening from abutting residences, as necessary. A tree preservation easement shall be placed over the additional trees deemed to be necessary and reasonable by the Planning Commission during the review of the Detailed Application.
31. The applicant will develop a plan for temporary pedestrian and vehicular circulation during construction. This plan shall identify temporary sidewalks, interim lighting, fencing around the site, construction vehicle routes, and any other feature necessary to ensure safe pedestrian and vehicular travel around the site during construction. The applicant will submit this plan to, and obtain approval of the plan from, the Department of Public Works at the detailed engineering process.

cc: Planning Commission
Case File

(b)

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

September 8, 2005

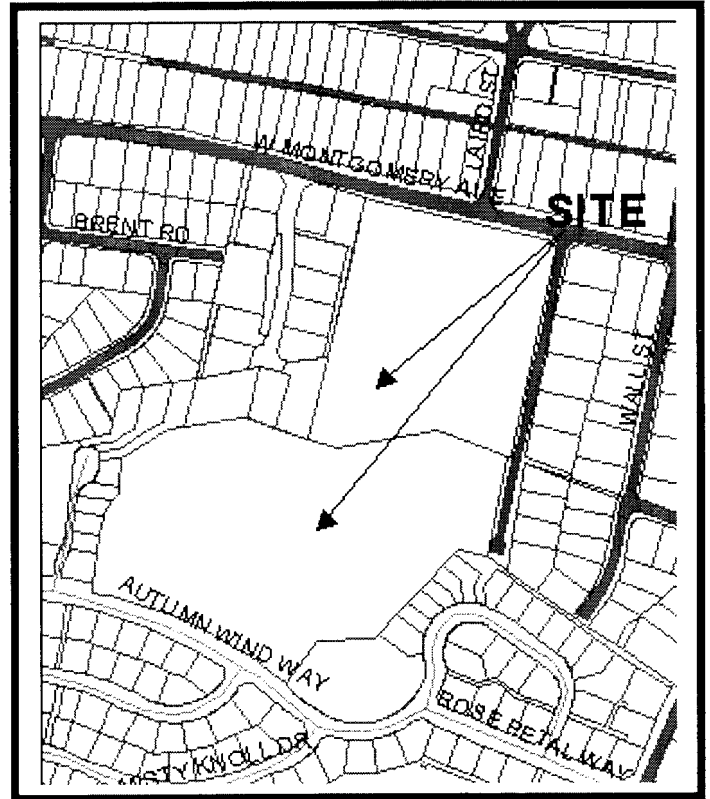
SUBJECT: Planned Residential Unit
Exploratory Application
PRU2005-00022

Applicant: Chestnut Lodge Properties, Inc.
C/o Miller, Miller and Canby
200B Monroe Street
Rockville, Maryland 20850

Owner: Associated Co. of Maryland Inc.,
Chase Residential Development
Company Inc.

Date Filed: April 27, 2005

Location: 500 West Montgomery Avenue,
generally south of West
Montgomery Avenue, west of
Thomas Street, North of Autumn
Wind Way and east of Tall Grass
Court and Henson Oaks Lane.



REQUEST:

To construct 36 single-family detached homes, rehabilitate and reuse the Little Lodge into one single family dwelling unit, re-construct the Icehouse and Stable as accessory structures and rehabilitate and convert the historic lodge building to seven multi-family units.

PREVIOUS RELATED ACTIONS:

- Historic District Commission – Approved on July 21, 2005, a request (HDC2005-00336) to demolish the Upper Cottage and re-construct the Icehouse at the Chestnut Lodge property.

SUMMARY

The applicant is proposing to redevelop the 20.43-acre site zoned R-S (Suburban Residential) as 44 dwelling units using the Planned Residential Unit (PRU) Special Development Procedure in the Zoning Ordinance. These units include seven condominiums in the Chestnut Lodge building, one dwelling in the Little Lodge with the Stable as an accessory structure and 36 new single-family detached dwellings with detached two-car garages. The applicant also proposes to give Frieda's Cottage to Peerless Rockville for their use as an eleemosynary institution.

In order for the applicant to be able to construct the new dwellings and reuse six of the existing historic buildings, they are requesting modifications and waivers. The modifications they are requesting are for the single family detached homes to include reduced side yard setbacks to 10

(11)

feet on nine lots (25 percent of the total amount), a reduction in the rear yard setbacks for two lots, and permitting the detached garages to be increased in height to 18 feet and located in the side yard. The applicant is also requesting to exceed the height limit in the R-S Zone for the existing Chestnut Lodge and new addition. In addition, the applicant is also requesting that the multi-family dwellings in Chestnut Lodge be permitted without a public park dedication.

The applicant is also requesting a modification of the road standards for right-of-way from 60 feet to 27.33 feet, measured from back of curb to back of curb, to allow a flush concrete edge along the road within the Historic District area, and to modify the City's streetscape standards on Thomas Street.

Staff has concerns regarding the lack of parkland dedication to the City, the location of the edge of the right-of-way, the modified side setbacks to 10-feet, and flush mounted curb (only within the historic district area). Staff maintains that the parkland dedication cannot be waived. For the road, staff also would like the right-of-way to be one foot behind the sidewalk with a 10-foot public utility easement behind that, which is current City policy. This would permit the City to maintain the street trees, sidewalk, driveway aprons and have access to the water meters and such. The right of way at staff's proposed location would be a modification from the 60 feet that is normally required for a secondary street. Staff is not requesting that the applicant move the dwellings further from the road with their proposal; staff is instead recommends that the applicant be permitted a reduced front yard setback.

Staff also does not find adequate justification for the side yard reduction on the nine lots since the applicant still has the encroachments that are permitted in the Zoning Ordinance. Staff also disagrees with the flush mounted curb within the Historic District area. Staff considers this to be more detrimental to the trees with the possibility of people driving and parking on the lawn. In addition, because the City has a Capital Improvements Projects (CIP) to add curb and gutter to the streets in the West End, staff does not recommend adding new streets without curb and gutter. It should be noted that the Historic District Commission (HDC) requested a modified curb design more appropriate to a historic district.

Staff recommends approval of the PRU application, subject to the conditions in this staff report, including the dedication of the parkland to the City, the right of way measured from one foot behind the sidewalk to one foot behind the sidewalk with a 10-foot public utility easement behind the right of way, as well as a curb along the internal street within the Historic District area.

RELEVANT ISSUES

In reviewing the application, the following issues emerged:

- The dedication of the parkland to the City. At the writing of this report, the applicant has not agreed to dedicate any parkland to the City. According to the Zoning Ordinance (Section 25-553), a PRU development that contains "multi-family dwellings units shall be limited to an amount determined by dividing the minimum lot size ...into the total number of square feet in each ... zone ... or twenty (20) percent of the total number of dwelling units." Per the Zoning Ordinance guidelines, this development which is zoned R-S with a minimum lot size of 20,000 square feet and seven condominiums is required

to provide 140,000 square feet of public park. Staff is not confident that this limitation can be waived. If it could be waived, staff would not recommend doing so.

- The use of Frieda's Cottage. Originally, the applicant stated that they would give Frieda's Cottage and a contribution to help renovate the building to Peerless Rockville. However, Peerless Rockville has stated that they don't believe that they can maintain it. In addition, the Historic District Commission has stated that they would prefer that this building remain a single-family dwelling as that was its original use and would require the least amount of modification and no additional parking spaces.
- Location of right of way and public utility easement on the internal street. The applicant is proposing to dedicate 27.33 feet of right of way from the back of curb to back of curb. After the dedication of right of way, the applicant is proposing a 15-foot public utility easement, which will include a 6.67-foot tree lawn with street trees, a five-foot brick paver sidewalk and a four-foot grass strip. Staff standard roadway dedication for a secondary street is 60 feet with a 10 public utility easement behind that. The 60-foot would include the roadway, a seven-foot tree lawn with street trees, and a five foot concrete sidewalk. Staff has already reduced the dedication to 53.33 feet, which will permit the sidewalk and street trees to be in the public right of way. In addition, since the City does not maintain brick paver sidewalk outside the historic districts staff would have an agreement with the homeowners association for them to maintain the sidewalks. Lastly, staff is not asking the applicant to move the houses further back with the proposed dedication. Staff would maintain the current location with modified front yard setbacks.
- The curb along the internal street within the Historic District area. The applicant has stated that they intend to only construct a flush-mounted curb. Staff is requesting that the applicant construct curb along this portion of the internal street. This will prevent cars from driving on the lawn and tree roots, which will help maintain the lawn. The HDC had endorsed a modified curb design appropriate to the historic district.
- Additional modification to the side yard setback. The applicant is requesting to allow nine lots have 10 foot side yard setbacks instead of the 11 feet that is required in the R-90 Zone. Staff considers this not to be acceptable since the Zoning Ordinance permits encroachments into the front, rear and side yards which the applicant will be able to take advantage of, unless the houses would exceed the maximum lot coverage requirement. One suggestion might be to permit bay windows vestibules or balconies that are 10 feet or less in width, to project no further than 3 feet with the houses not being any closer than 19 feet at any point.

ANALYSIS

Background

This site is one of the last large developable sites in the City of Rockville. The site originally existed as the Woodlawn Hotel and was built for upper middle-income people to get away from the City. In 1908, Dr. Bullard purchased the site, and converted it to the Chestnut Lodge Sanitarium. It was operational as a psychiatric hospital until the late 1990s. In 2001, the Washington Waldorf School purchased it and planned to make it their new campus. The existing owner purchased the property in 2004 for the development of a residential neighborhood.

Zoning

The subject site contains 20.43-acres (889,930.8 square feet) and is zoned R-S, Suburban Residential. Under the R-S Zone, the maximum amount of units the applicant could be permitted is 44 dwelling units. The applicant is requesting to use the R-90 zone development standards per the Master Plan recommendation with some modifications. Below is a chart comparing the requirements for each zone.

Zone	Minimum Lot area	Maximum lot coverage	Minimum Lot width	Maximum Height	Front yard setback	Side yard setback		Rear yard setback
						Side street abutting	Land abutting	
R-S	20,000 sf	25%	100 feet	35 feet	35 feet	25 feet	13 feet	35 feet
R-90	9,000 sf	25%	80 feet	35 feet	30 feet	20 feet	11 feet	25 feet

Planned Residential Unit (PRU)

The PRU is one of a number of special development procedures available within certain zones of the City. As stated in Section 25-486 of the Zoning Ordinance, *“ingenuity, imagination and design efforts on the part of architects, site planners and developers can produce developments which are in keeping with the overall land use intensity and open space objectives of this chapter while departing from strict application of the use, setback, height and minimum lot size requirements of this chapter.”*

The intent of special development procedures, as outlined within the Zoning Ordinance includes:

- Promote a creative approach to the development of land.
- Accomplish a more desirable environment than would be possible through strict application of the requirements of this chapter.
- Promote the efficient use of land, which will result in smaller networks of utilities and streets and resultant lower housing costs.
- Enhance the appearance and value of neighborhoods through the preservation of natural features. And the provision of recreation areas and open space in addition to existing Zoning, Subdivision and Plan requirements.
- Provide a cohesive neighborhood environment for development compatible with existing neighborhood patterns.

More specifically, the PRU provision allows the waiver or modification of the requirements relating to use restrictions, development standards, parking, access and loading requirements, and screening and landscaping requirements. Generally, the PRU provision limits the number of dwelling units based on dividing the minimum lot size in each zone within which the development is located into the total number of square feet in each such zone contained in the development. The PRU provision also limits the types of dwelling units. In Section 25-553 of the Zoning Ordinance, it states that the *“multiple-family dwelling units in a PRU development shall be limited to an amount determined by dividing the minimum lot size applicable in each zone within which any area to be conveyed to the City as a public park is located into the total number of square feet in each such zone contained in such public park area, or twenty (20)*

percent of the total number of dwelling units within the PRU development, whichever is less." To meet this requirement, staff maintains that the applicant should dedicate the front 5-acre portion to the City as parkland.

Findings Required for Approval

Section 25-263 of the Zoning Ordinance lists the required findings for approval of a Planned Residential Unit Exploratory Application. These findings are listed below and a summary of how the application addresses these findings follow. In addition, the staff analysis and commentary in the remainder of the staff report provide more detailed information on how the application complies with the requirements of the PRU process.

1. *The proposed development will not affect adversely the health or safety of persons who will reside or work in the neighborhood of the proposed development.* The application proposes a development of single-family residential and condominiums at a comparable density to the surrounding neighborhood while providing adaptive reuse of the Chestnut Lodge building, Little Lodge and Frieda's Cottage.
2. *The proposed development will not be detrimental to the public welfare or injurious to property or improvements located or to be located in or adjacent to the development.*
The reduced setbacks are consistent with smart growth practices and are comparable to other PRUs and Comprehensive Planned Developments (CPDs) within the City of Rockville. These reduced setbacks, while not preferred by some homebuyers, are based on traditional development patterns and instead of being detrimental to the public welfare, have proven to foster a positive community identity when coupled with public open space and good design. While the proposed setbacks are larger than in Rose Hill, the Buckingham property was approved with similar setbacks. In addition, the applicant proposes extensive landscape buffers around the entire new development, which would mitigate any impacts on the surrounding neighborhoods, including the size and height of the homes from the surrounding communities. The applicant also proposes larger lots than the surrounding Rose Hill community and Buckingham property. These larger lots will contribute toward sufficient buffering from the existing neighborhood.
3. *The proposed development will not be contrary to the requirements contained in Division 5 [Open Space and Common Areas] of this article.* The applicant proposes eight common areas that will be owned by the Homeowners Association, and which will serve as buffers, alleys and neighborhood passive parks. Staff has requested that the applicant dedicate to the City 140,000 square feet of the front eight areas. This dedication will meet the requirements of Section 25-553 of the Zoning Ordinance. At the writing of this staff report the applicant has not agreed to this therefore, the applicant does not meet this requirement.
4. *The proposed development will not be inconsistent with the intent or purpose of this article.* The intent of the PRU process is to promote a creative approach to development, accomplish a more desirable environment than standard development processes, preserve natural features, provide more open space than standard requirements, and be compatible with existing neighborhoods. The applicant proposes to reuse Chestnut Lodge, Dr. Bullards house (Little Lodge) and Frieda's Cottage. The reuse of these buildings and preserving the front eight acres as they currently exist is consistent with this requirement.
5. *The proposed development will not overburden existing public services, including water, sanitary sewer, public roads, storm drainage and other public improvements.* The

proposed development may be adequately served by City water and sewer service. The public road serving the site, West Montgomery Avenue is congested but there is no appreciable difference in the minimal number of vehicle trips generated by the PRU and a standard development at the density recommended in the master plan. The applicant is not requesting more density than what would be provided in by-right development. The city has an established policy of not expanding West Montgomery Avenue to accommodate additional vehicular traffic.

Both on-site and off-site storm drainage will be improved as a result of this project. The use of the two stormwater management ponds, Great Falls and Bullard Park located within the Rose Hill Community, are intended to provide channel protection volume, water quality volume and recharge volume for the proposed development in accordance with the latest *Maryland Department of Environment's* regulations and guidelines as detailed in the *2000 Maryland Stormwater Design Manual*. The applicant is working with staff also to ensure that any runoff from the new homes will not create stormwater runoff for the existing surrounding homes.

6. *The C-1 Zone uses proposed in such development are not available within reasonable proximity of the development and are primarily for the service and convenience of the residents of such development.* The proposed development does not provide for any C-1 Zone uses per the Master Plan recommendations.

Comprehensive Master Plan

The City of Rockville *Comprehensive Master Plan* (CMP) designates this site as "Critical Parcel/Area #1." The CMP recommends that the site be maintained as an institutional use and retain the R-S Zone in order to offer as much protection as possible for the site's historic buildings and mature trees. However, *"a residential use is acceptable if the historic buildings and trees are protected."* *One of the recommendations for a residential use would be to develop the site under a special development procedure such as "Planned Residential Unit (PRU)."* With this type of development, the site could still be developed at the base level of development, while retaining "the setting of the historic structures and treed area along West Montgomery Avenue with as little disturbance as possible." The CMP also states that the *"minimum lot size, maximum lot coverage and minimum setback requirements that apply to the property shall be those of the R-90 Zone."* In addition, the CMP recommends against allowing C-1 uses that are normally permitted in a PRU development.

Staff has compared the lot sizes in the Roxboro, Simmons Addition and Thirty Oaks subdivisions to evaluate where there is a significant difference between the neighborhoods in terms of lot size. There are 136 single family detached residential lots in the existing subdivisions with lot sizes ranging from 5,018 square feet to 21,915 square feet and an average lot size of 7,640 square feet. The Chestnut Lodge property has an average lot size of 13,092 square feet for the 37 single family detached homes.

Careful preservation of trees and historic buildings, as recommended by the Chestnut Lodge Guidelines, applies to the entire parcel, rather than just individual lots. The preservation of trees should be in a tree stand area for the community benefit. The only alternative to preserve some trees and historic buildings in a single family detached zone, other than a PRU, would be a

cluster development. While a cluster development provides for reduced lot sizes to a minimum size, depending on the zone, it does not permit multi-family dwellings and would not achieve the equivalent amount of open space.

Chestnut Lodge Guidelines (Adopted by Mayor and Council, May 2004)

"The purpose of the Design Guidelines is to guide exterior alterations to historic buildings within the historic areas of the Chestnut Lodge site so that historical, architectural, and environmental features that are the basis of the site's significance to the City are identified and preserved." The Guidelines prefers construction of new buildings to be outside of the historic area. This will help maintain the historic and aesthetic character of the east and north facades of the Chestnut Lodge and Frieda's Cottage when looking at the site from the intersection of West Montgomery Avenue and Thomas Street. Since fewer elaborate finishes were used on the south and west facades, the Plan recommends that the owner, if necessary, put an addition on those portions of the Lodge. If portions of the buildings cannot be repaired, then the Plan recommends matching the new materials with the existing ones. In addition, the Plan supports preservation of the open space areas in the front of the property, and that parking areas be sensitive to the impact on the historic area.

The Guidelines note that the use and alteration of any building should be determined prior to the development of the site.

Property Description and Proposal

The subject of this application is a 20.43-acre site that is composed of two portions of land located south of West Montgomery Avenue, west of Thomas Street, north of Autumn Wind Way and east of Tall Grass Court and Henson Oaks Lane.

The front portion of land is comprised of eight acres and is located within one National Register historic district and two locally designated historic districts. The property is currently developed with several historic buildings, including the Chestnut Lodge building, Little Lodge, Frieda's Cottage, Icehouse, Stable and Upper Cottage. The applicant proposes to renovate and reuse the Chestnut Lodge, Little Lodge and Frieda's Cottage. The applicant also plans to reconstruct the Icehouse and Stable. The only building the applicant proposes to demolish is the Upper Cottage, for which the applicant has received approval from the Historic District Commission.

Chestnut Lodge will be reused as seven-unit condominium building. The applicant will demolish the existing newer structure that is on the rear of the building and rebuild a new addition. The existing front portion of the Chestnut Lodge will be used as four "townhouse style" condominiums. The new rear portion of the building will have underground parking for the entire building and have three levels with a "flat" style condominium on each floor. The existing structure is 63 feet tall and the new structure will be 41 feet tall, which are both above the height limit of 35 feet in the R-S Zone and will require a modification to the permitted height. In addition, the Little Lodge will be renovated into a single-family dwelling and the existing Stable will be reconstructed and used as an accessory use to it. The Icehouse will be reconstructed and have a use associated with Chestnut Lodge or the Little Lodge. The applicant proposes to donate Frieda's Cottage and contribute money for its rehabilitation to Peerless Rockville. However, Peerless Rockville has stated that they are not sure they can maintain it.

Staff has suggested that it could be renovated back to a single-family dwelling, but this would require a reduction in the amount of units so as not to exceed the Master Plan recommendations.

The rear 12-acre portion of the property includes the Rose Hill barn. This barn will be given to the current owner of the Rose Hill mansion and be an accessory structure to the house. On the remaining rear portion, the applicant proposes 36 new detached single family homes. The new homes will have a two-car, detached, one-story garage that will be located toward the side and rear of the lots.

Zoning Ordinance Modifications

As permitted in the Zoning Ordinance under the Planned Residential Unit development regulations, development standards may be waived or modified as part of the approval process.

Modifications

- To allow “multi-family dwellings” in the rehabilitated Chestnut Lodge building, as well as modification to the maximum height limits, in the R-S Zone
- To allow, if necessary “eleemosynary” use in Frieda’s Cottage, as well as reduction in the required front yard setback;
- To allow a reduced right of way width from 60 feet to 27 feet, 4 inches for a secondary road measured from back of curb to back of curb.
- To allow a flushed concrete edge along the road within the Historic District area, instead of standard curb and gutter, in order to preserve the historic character and as many existing trees on the site as possible.
- To allow a modified street and/or streetscape standards on Thomas Street, in order to preserve as many existing trees on the site as possible.

Waivers

- To allow seven (7) multi-family units in the rehabilitated Chestnut Lodge Building without public park dedication.

HISTORIC DISTRICT COMMISSION (HDC)

On July 21, 2005, the City of Rockville Historic District Commission reviewed and approved application HDC2005-00336 to: 1) demolish the Upper Cottage; and 2) re-construct the Icehouse at the Chestnut Lodge property. They stated that the demolition permit for the Upper Cottage may not be issued before and unless the Mayor and Council approves this exploratory application with regard to the road alignment, and the Planning Commission approves the Detailed Application. In addition, the applicant must fully document the building before any demolition occurs, trees in the vicinity must be protected, the applicant must provide a plan for commemorating the Upper Cottage; and reusable architectural features must be salvaged for donation to a non-profit entity.

The HDC also approved the reconstruction of the Icehouse because of its severely deteriorated condition. They stated that the Icehouse must retain its current siting or a Certificate of

Approval application must be submitted for a new site. In addition, the Icehouse may not be dismantled before Planning Commission approval of the PRU Detailed Application. Both the Icehouse and the demolition of the Upper Cottage must be consistent with a development phasing plan that is approved by the Planning staff. The Icehouse must also be documented.

Upper Cottage

The Upper Cottage was built in 1942 as a dormitory-style residence for the hospital's nursing staff and was later used for patient housing. The building is large with a side-gabled roof, stucco siding, and a brick foundation. The rear (south) façade has undergone several expansions and alterations, but the building retains its original windows, doors and finishes. This building was determined to be a contributing resource to the second period of significance when Chestnut Lodge was a Sanitarium. The HDC found that demolition of the Upper Cottage complies with one of the circumstances outlined in Article 66B of the State Code of Maryland, Section 8.10, in that the structure is a deterrent to a major improvement program which will be of substantial benefit to the County or Municipal Corporation. Restoration/Rehabilitation of Chestnut Lodge and Little Lodge building and preservation of views of them is the major improvement program.

The HDC's task was to find a resolution that has the least impact possible on the integrity of the site and preserves the most complete physical interpretation of it with reasonable development and use. The HDC determined that the retention of the trees, views, vistas, and environmental setting of Frieda's Cottage would outweigh the contributions of a modified former dormitory structure.

The road location as proposed in the submitted plan locates it midway between Chestnut Lodge and Frieda's Cottage, and avoids the dense mature trees on the west side of the property. Although the Upper Cottage must be demolished to accomplish this, alignment further east would have an impact on the site integrity of Frieda's Cottage. The alignment also avoids a large, healthy American elm and other mature trees on the east side. Moving the road even slightly further to the east would have a negative impact on the elm, according to the Assistant City Forester. Moving the road to the other (east) side of the tree to avoid its harm would bring it closer to Frieda's Cottage and possibly disrupt the integrity of this site. The proposed alignment also keeps the entrance to the new development to the rear of Chestnut Lodge and out of view from West Montgomery Avenue. A realignment of the road to retain the Upper Cottage, avoid significant trees, and cause minimal disruption to Chestnut Lodge and Frieda's Cottage would require alteration of the Exploratory plan, including removal of one or more of the new houses from the plan, with the only benefit being retention of the Upper Cottage.

Another issue is the suitability of the Upper Cottage for reuse as a single family home. The Upper Cottage has ceiling heights of seven feet five inches on the first floor and as low as six feet ten inches at structural beams. These heights meet the minimum allowed per the International Residential Code (The Code) enforced by the City, but the ceiling heights are not ideal. Normal ceiling height is eight to nine feet for a new house. The Code states that habitable rooms, hallways, corridors, bathrooms, toilet rooms, laundry rooms and basements shall have a ceiling height of not less than seven feet, measured from the finished floor to the lowest projection from the ceiling. An exception is that beams and girder spaced not less than four feet on center may project not more than six inches below the required ceiling height. The ceiling height of six feet ten inches on the west end of the second floor is two inches below the

minimum and may require a modification. Also, the low ceiling heights reduce the marketability of this structure's reuse as a residence.

The applicant's engineering report (Adtek Engineers, Inc.) also found that the Upper Cottage is not structurally adequate for residential use and occupancy because of structural loading requirements and would require remedial structural repairs. Staff concurs with the engineering report. Staff and the HDC's first consideration in approval or denial of demolition is the contributions of the building, whether in its present or renovated state, to the physical interpretation of the site as a whole versus the losses to character that may be entailed in relocating the road.

The applicant's appraisal report (MJR appraisers) states that the existing value of the Upper Cottage with a 10,500 square foot lot, based on the cost and sales comparison approaches, is \$860,000 but estimated refurbishment costs, (\$700,000) added to the land value (\$400,000), exceed the total property value. The report also states that the Upper Cottage does not contain the finish, detail or attributes that character the Little Lodge.

The siting of the Upper Cottage is also not optimal as the front of the building faces what will be the new rear addition to Chestnut Lodge. The distance between the two buildings is approximately 70 feet.

Relocation of the Upper Cottage to a similar setting within the historic district, as an alternative to demolition, should not be considered because of potential damage to the established character at the new location. The open character of the front eight acres of the site would be damaged if the Upper Cottage was moved anywhere else on this property within the historic district.

Frieda's Cottage Use

The HDC approved of transferring Frieda's Cottage to a non-profit for rehabilitation and reuse, and supported the applicant's modification from the front setback requirement. The HDC does not regulate use, but acknowledged that the best use of this property would be a single family residence because that was what it was built for. If it were to be single-family dwelling unit, then it would add to the unit count, potentially exceeding the Master Plan limitations. It could be a single-family dwelling unit and a new unit would be removed to remain under the limits.

TRANSPORTATION (Attachment 5)

Site Analysis

The applicant proposes a single secondary public road that aligns with Laird Street at the existing signalized intersection with West Montgomery Avenue (MD28) for access to the site. The applicant will construct a two-lane outbound approach at the intersection of West Montgomery Avenue, which will facilitate egress from the site. In addition, the applicant also proposes one emergency access point to connect to Autumn Wind Way and a private alley that is connected to the main public road for six of the single family detached dwelling units.

Roadway Network Analysis

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Department of Public Works staff has determined that this development would generate 38 peak morning trips and 44 pm peak trips. They also reviewed the road network and studied five intersections with four different scenarios. Of these five intersections, staff determined that the traffic generated by this development would impact three intersections as determined by the Comprehensive Transportation Review (CTR) methodology during either the a.m. or p.m. peak period. These three intersections would be the p.m. traffic at the intersection of West Montgomery Avenue and Nelson Street/I-270 off ramp, the a.m. traffic at the intersection of West Montgomery Avenue and Laird Street/Site Driveway, and the a.m. and p.m. traffic at West Montgomery Avenue and Great Falls Road/West Jefferson Street.

Circulation On-Site

Staff has reviewed the on-site truck, bus, pedestrian and bicycle circulation of the site. Staff is recommending that the applicant provide an improved trash pick-up/drop-off area to enhance circulation of large vehicles to the luxury condominium units. The applicant is providing pedestrian access to the site with five foot brick sidewalks on both sides of the site access driveway. New sidewalks will be implemented along at least one side of the main access street through the historic area. Staff will require that the applicant clearly mark all crosswalks and provide adequate pedestrian safety through the site. Bicycle access will also be provided on-street within the development. The applicant will be required to provide bicycle parking spaces that consist of two bicycle lockers (Condition #16).

Multi Modal Off-Site Access

The Comprehensive Transportation Review (CTR) requires the applicant to study multi-modal access and safety in the multi-modal study area including pedestrian, bicycle and transit access. The CTR requires the applicant to identify missing sidewalk links from the site to one activity center within .35 miles of the site for a project of this size outside a Transit Oriented Area. A condition (Condition #13) requiring the applicant to construct sidewalks on the west side of Laird Street from West Montgomery Avenue to Anderson Avenue, on the west side of Lockett Street from Anderson Avenue to Beall Avenue, and on Harrison Street between Forest Avenue and North Van Buren Street has been recommended. The CTR also requires that the applicant identify and construct any missing bikeway facilities identified in the Bikeway Master Plan that are on the site frontage. However, there are no Bikeway Master Plan facilities identified on-site. In addition, a bus shelter that is located along West Montgomery Avenue will provide transit service for pedestrians and bicyclists.

Right of Way

As per guidance from the Mayor and Council to provide equal services to all residents of Rockville, City policy requires that the applicant dedicate street right-of-way from one foot behind the sidewalk to one foot behind the sidewalk, which would permit roadway, curb and gutter, sidewalks, driveway aprons, and street trees to be maintained by the City. In addition, a ten-foot public utility easement, which may not contain any structures, must be provided behind the right-of-way. The applicant has proposed to dedicate street right-of-way from back of curb to back of curb that would be maintained by the City. The Homeowners Association (HOA) would maintain the street trees and sidewalks. The applicant expressed a desire for upgraded brick sidewalks, not generally maintained by the City outside of the historic district, and

decorative walls parallel to the street, that the applicant believes to help create a sense of community. Staff's recommendation would not permit the walls (or any permanent structure) in the public utility easement. Staff has allowed decreased right-of-way width in more urban and dense parts of Rockville where the right-of-way and setbacks are limited. The City policy is to maintain the full right-of-way dimension of 60 feet that is established in the code. Staff has already agreed to a reduced the right-of-way of 53.33 feet, which includes the 27.33 roadway, 7 foot tree lawn, five foot sidewalk and one foot behind the sidewalk.

Public Input

Per the approved CTR guidelines, this development has been presented to the adjacent neighborhood associations and the Traffic and Transportation Commission. The mitigation proposal will be presented to the adjacent neighborhood associations prior to action by the Planning Commission.

In addition, staff, the applicant and residents of Thomas Street will meet on September 8, 2005 to discuss roadway, sidewalk improvements and drainage issues for this street. Staff has recommended that the applicant provide a sidewalk on at least one side of the street along the entire length of Thomas Street.

STORMWATER MANAGEMENT (Attachment 6)

The approved stormwater management (SWM) concept proposes to retrofit two stormwater management ponds, Great Falls and Bullards Park, located within the Rose Hill community. The stormwater management retrofit for these two ponds is intended to provide channel protection volume, water quality volume and recharge volume for the proposed development in accordance with the latest Maryland Department of the Environment's (MDE) regulations and guidelines as detailed in the 2000 Maryland Stormwater Design Manual. The concept also proposes that the portion of the proposed development located within the historical district be treated using stormwater credits as outlined in the 2000 Maryland Stormwater Design Manual. As part of the concept, a request was made that both ponds within the Rose Hill community be publicly maintained.

In general, the stormwater concept as proposed, is acceptable to the staff. The concept of using SWM credits for the imperviousness located within the historical district is acceptable, however, since the concept did not address specific details of these credits, staff will review the SWM credit issue at the time of detailed engineering at which time approval may or may not be given. The Rose Hill community must agree to the pond modifications and agree to convey both ponds to Rockville for future ownership and maintenance if the proposed pond upgrades are found to be acceptable with city staff.

The proposed site grading indicates that most of the drainage leaving this site will be captured within a storm drain system. There are two small areas located on the northwest and southwest portions of the proposed development that may result in drainage entering adjacent lots. Discussion with the Developer's engineer indicated that this will be corrected during detailed engineering. Staff will review the site grading and will provide approval based on the detailed engineering review (Condition #27).

City Utilities

Water service for this proposed development will be supplied from an eight-inch main located in Autumn Wind Way and a six-inch main in West Montgomery Avenue. Sanitary sewer service is proposed to connect to eight-inch lines in Autumn Wind Way and West Montgomery Avenue. This concept is acceptable to City staff.

LANDSCAPING

The applicant is proposing a quasi-public pedestrian area in the front portion of the new homes. This area will contain a street tree planting strip, a brick paver sidewalk and a grass strip behind the sidewalk. The street trees will be a minimum of 2.5 inches in caliper (measured six inches up from grade). Staff has put in a condition (Condition #11) for the size of the street trees and that the planting strip must be a minimum of seven feet. The brick paver sidewalk will be five feet wide and maintained by the Homeowners Association. Staff has added a condition to reflect that (Condition #10). In addition, behind the landscape strip, the applicant proposes stone landscape walls. The Homeowners Association will also maintain these walls and staff has added a condition (Condition #10) to reflect this.

Open Space/Public Park Dedication

The applicant proposes three open spaces that will be maintained by the Homeowners Association. Two of these open spaces will be in the area near the new homes and the other is in the front historic area. The two open space areas will be approximately 5,000 square feet and 9,000 square feet. The Homeowners Association will maintain them and they are presented to be "passive" open space. The Homeowners Association will also maintain the third space, which is located in the front eight acres. However, under the PRU provision in the Zoning Ordinance, the applicant is required to dedicate parkland to the City based on the number of multi-family units in the development and the zone the property is in; therefore, the applicant is required to dedicate at least 140,000 square feet of parkland. Staff is recommending a condition (Condition #29) that the applicant dedicate the entire front parcel of land minus the land from Frieda's Cottage, Chestnut Lodge and the Little Lodge, which is just over five acres. This parcel will join the more than 900 acres of parkland under the stewardship of the Recreation and Parks Department. There are several reasons staff recommends public dedication of the front parcel including:

1. This important resource would be a public amenity to be generally retained in its current condition. Because the Zoning Ordinance requires a minimum dedication, splitting the area between public and private ownership is not feasible.
2. The City wishes to avoid the possibility that the HOA-owned common areas be taken over by the City for maintenance. Several HOAs and civic associations each year approach the City to take over maintenance of their path system, playground equipment, pools, common areas, etc. As the years go by, the organizations frequently can't afford to keep up with the cost of maintaining or renovating the equipment, paths, etc.
3. The City has in-house forestry staff and would work with outside contractors to maintain this parcel while allowing it to be enjoyed by the public.
4. The City would be willing to work with the applicant to allow the HOA to pay for more frequent mowing cycles, increased plantings or additional tree maintenance above and beyond what the City provides for this type of parkland.

Forest/Tree Preservation

The historic portion of the site contains over five acres of open area that consists of maintained turf grass and many scattered large trees. Many of the trees in this area are of specimen quality and represent a significant natural, environmental and historic resource. The rear portion of the site also contains many scattered trees in maintained turf grass. However, many are in close proximity to buildings to be demolished or relocated. They are also not as large as the trees in the Historic District and many are in fair or poor condition. The site does not contain any forest.

The application proposes to preserve most of the trees within the Historic District to meet the requirements of the Tree Preservation and Planting Ordinance. Preservation of these specimen trees will be a significant environmental and cultural benefit for the City. Some of the trees in this area will require removal due to poor quality or proximity to existing site improvements. It will be difficult to preserve existing trees in the rear portion of the site due to the proposed development.

The applicant has hired an arborist consultant who will be working closely with City forestry staff to develop a Forest Conservation Plan with specific details regarding tree preservation. The City forestry staff will also be working closely with the Department of Public Works and Historic Preservation to determine sidewalk, path and utility locations in the Historic District to maximize survival of quality specimen trees. Several specimen trees are located very close to structures to be demolished and existing pavement to be removed. Forestry staff will strive to ensure preservation of as many of these trees as possible. However, it may be necessary to remove some of the trees at these locations if it becomes apparent that an unsafe situation would result by retaining them.

PUBLICILY ACCESSIBLE ART IN PRIVATE SPACES

For the entire project, the applicant is required and staff has added a condition (Condition #28) for the Publicly Accessible Art in Private Development requirement. Under this requirement, the applicant is required to expend approximately \$15,038.10 to provide for publicly accessible art.

MODERATELY PRICED DWELLING UNITS (MPDU)

MPDUs are required with a project that has more than 50 residential dwelling units. Since this development has only 44 units, it is exempt from this requirement.

STAFF RECOMMENDATION

Based on staff review, City Staff recommends the following conditions of approval for the subject development application, PRU2005-00022.

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A, to show the following:

- a. The development standards be modified as follows for the 36 new single family detached dwellings and their accessory structures:
 - i. Minimum Rear Yard: 25 feet, except Lots 28 and 37 where it is 11 feet
 - ii. Minimum Front Yard: 17 feet from the right of way line (which is one foot behind the sidewalk)
 - iii. Minimum side yard: 11 feet
 - iv. Maximum Lot Coverage (including the portion of lot to be dedicated to the City for right of way purposes): 25 percent
 - v. Accessory Structures:
 1. Height and story: 18 feet and one story as defined within Chapter 25 of the Zoning Ordinance
 2. Minimum setback from Autumn Wind Way: 30 feet
 3. Minimum front yard setback from any other public right of way: 45 feet, except corner lots are permitted to be 30 feet
 - b. Chestnut Lodge
 - i. Maximum height: existing 63 feet tall and new addition 41 feet tall as defined in Chapter 25 of the Zoning Ordinance
 - c. Stable
 - i. Maximum height: 25 feet or two stories
 - ii. Minimum rear lot line setback: 10 feet
 - iii. Minimum side lot line setback: 8 feet
 - d. Rose Hill Barn
 - i. Minimum front yard setback: 9 feet
 - ii. Maximum height: 20 feet
 - e. Frieda's Cottage
 - i. Minimum front yard setback: 13 feet
 - f. Maximum Height: 35 feet as defined within Chapter 25 of the Zoning Ordinance.
 - g. Maximum Coverage: 25 percent as defined within Chapter 25 of the Zoning Ordinance
 - h. The Planning Commission will review Architectural Designs for the project at the time of Detailed Application review.
2. Submission for the approval of the Chief of Planning, of 11 copies of a Landscape Plan that is revised according to Planning Commission Exhibit B.
 3. All residential lots shall contain three (3) trees per lot as required by the Subdivision Ordinance. Required street trees may not be used to meet this requirement.
 4. The applicant or their representatives shall clearly identify for prospective homeowners sections in the Homeowners Association documents that relate to how homeowners association and City open spaces will be managed.
 5. Applicant to work closely with city Forestry staff to develop a Forest Conservation Plan to facilitate preservation of quality specimen trees within the Historic District.

6. A Forest Conservation Easement shall be placed over trees that are preserved in the Historic District in accordance with the Forest and Tree Preservation Ordinance (FTPO).
7. All tree preservation and planting requirements of the FTPO shall be met on site.
8. Invasive exotic tree and plant species shall be removed and eradicated throughout the site.
9. The streets in the rear single-family portion of the site shall have a seven-foot tree lawn with trees planted at a minimum size of 2.5 inches in caliper.
10. The applicant or successors (Homeowners Association) must maintain the brick paver sidewalks and maintain the stone walls. A maintenance schedule for the sidewalk and walls shall be submitted and approved by the Chief of Planning prior to the issuance of the 15th certificate of occupancy permit.
11. No utilities can be placed within the tree lawn except for lateral connections placed equidistant between street trees.
12. The Applicant shall execute a Transportation Demand Management (TDM) agreement with the City of Rockville before the issuance of a building permit. This agreement will require the Applicant to make an annual contribution of sixty dollars (\$60) per market-rate dwelling unit for a period of ten years (44 Dwelling Units * \$60 = \$2,640/year). These funds will be used for various programs designed to reduce the number and impact of vehicle trips within the planning area. The TDM agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated to the TDM program funds of the City.
13. The Applicant shall construct the following off-site improvements per Department of Public Works requirements prior to issuance of the first occupancy permit:
 - a. Upgrade the west side of Laird Street from West Montgomery Avenue to Anderson Avenue to include curb and gutter and drainage improvements, driveway aprons, a five (5) foot sidewalk and associated buffer per Department of Public Works requirements.
 - b. Construct a five (5) foot sidewalk and associated buffer on the west side of Luckett Street from Anderson Avenue to Beall Avenue.
 - c. Construct a five (5) foot sidewalk and associated buffer on Harrison Street between Forest Avenue and North Van Buren Street.
14. All internal and external traffic control devices (i.e., signs, signals, marking, and devices placed on, over or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians and/or vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signing and pavement-marking plan shall be submitted to the Department of Public Works and approved by the Chief of Traffic & Transportation before the issuance of a Public Works Permit.

2005

15. A bus shelter shall be implemented at the existing bus stop on the north side of West Montgomery Avenue at Laird Street, or a contribution of \$6,500.00 shall be paid to the City's Bus Shelter CIP for installation of a bus shelter in the vicinity of the development.
16. Bicycle lockers with five (5) bicycle parking spaces, shall be provided for the condominium units at a safe and convenient location as approved by the Traffic and Transportation Division. A potential location is in the reconstructed icehouse.
17. The Applicant shall contribute \$6,000 toward the upgrade of the existing traffic signals to include pedestrian countdown signals (12 signal heads @ \$500/each) at West Montgomery Avenue and Great Falls Road and at West Montgomery Avenue and Laird Street.
18. The Applicant shall provide a six (6) foot wide pedestrian connection between Bullard Circle and Thomas Street.
19. Prior to issuance of first occupancy permit for homes fronting on Thomas Street, the Applicant shall upgrade both sides of Thomas Street along the entire length from West Montgomery to the dead end. This upgrade will include curb and gutter and drainage improvements, driveway aprons, a five (5) foot sidewalk and associated buffer on one or both sides of the street per Department of Public Works requirements. Final design to be approved during detailed engineering.
20. Right of way shall be dedicated from one foot behind the sidewalk to one foot behind the sidewalk and will include the roadway section, curb and gutter, driveway aprons, seven (7) foot tree lawn and a five (5) foot sidewalk. A ten (10) foot public utility easement must be provided behind the right of way and may not include any permanent structures.
21. Revise sidewalk on east side of access drive to accommodate access to the Lodge as shown on plans.
22. A standard curb and gutter shall be provided on the access road through the historic district and will be approved at the detailed application process.
23. The water capacity and pressure within the development must be checked and found to be acceptable to City staff.
24. The receiving pipes for the sanitary sewer must be checked for capacity during detailed engineering. City staff will provide existing flow capacity within the receiving sanitary sewer at this time.
25. All utilities, water, sewer, and storm drains must be placed within maintenance easements to be determined during detailed engineering. No structures or improvements will be allowed within these easements.
26. Stormwater Management must comply with the conditions set forth in the conditional approval of the stormwater management concept dated October 15, 2004.

27. Site grading will be approved during detailed engineering.
28. The applicant is required to provide for art for the Chestnut Lodge development in accordance with the Publicly Accessible Art in Private Development ordinance (adopted February 2004). The required expenditure for the entire project calculated in accordance with current rates is \$15,038.10 and calculated as follows:

Single Family Residential units	
36 units x \$323.40 per d.u. =	\$11,642.40
Multi-family Residential units	
7 units x \$485.10 per d.u. =	\$3,395.70
Total	\$15,038.10

Many options for compliance are available to the applicant. Options may include, but are not limited to visual art on-site, donation to the City's Friends of the Arts fund or to an eligible arts organization, build arts infrastructure or space for arts activities or partner with another development within the same planning area. The Art in Private Development manual is available on the City's website (www.rockvillemd.gov) under the City Business section.

29. The applicant must dedicate the front portion of the property to the City with the exception of the Chestnut Lodge, Little Lodge, Frieda's Cottage parcels. This area must be a minimum of 140,000 square feet of land and must be dedicated prior to the issuance of the first occupancy permit for the new single family homes in the rear portion of the site.

NOTIFICATION

Notices were sent to approximately 740 nearby residents.

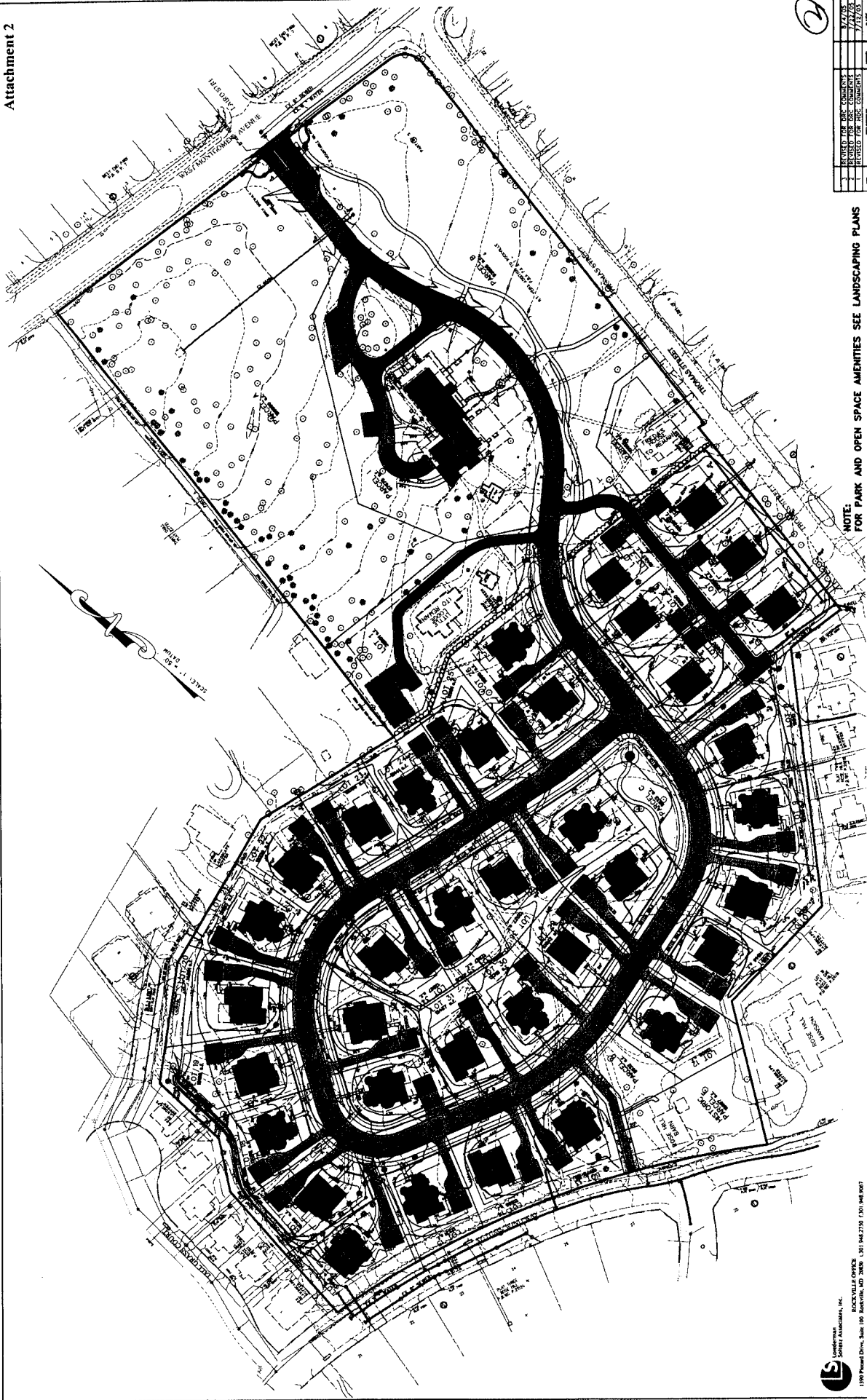
APPROVAL LIMITATIONS

Section 25-565 of the Zoning Ordinance requires that a detailed application for the entire PRU shall be submitted to the Planning Commission within one (1) year of Mayor and Council action on the Exploratory Application. If no application is filed, the approval of the exploratory application shall be of no further force and effect.

Attachments:

1. Site and Landscape plans
2. Applicant letter, dated August 8, 2005
3. HDC Recommendation
4. Stormwater Management Concept Approval letter
5. Transportation Staff Report
6. Stormwater Management Staff report
7. Applicant letter, dated September 8, 2005

256



REVISIONS	DATE	BY	FILE
1. REVISED FOR 2007 COMMENTS	7/27/07		
2. REVISED FOR 2007 COMMENTS	7/27/07		
3. REVISED FOR 2007 COMMENTS	7/27/07		

SCALE	DRAWING
1"=50'	NO. 2
DATE: 04-10-08	OF 10

NOTE:
FOR PARK AND OPEN SPACE AMENITIES SEE LANDSCAPING PLANS

EXPLORATORY APPLICATION
COMPOSITE SITE PLAN

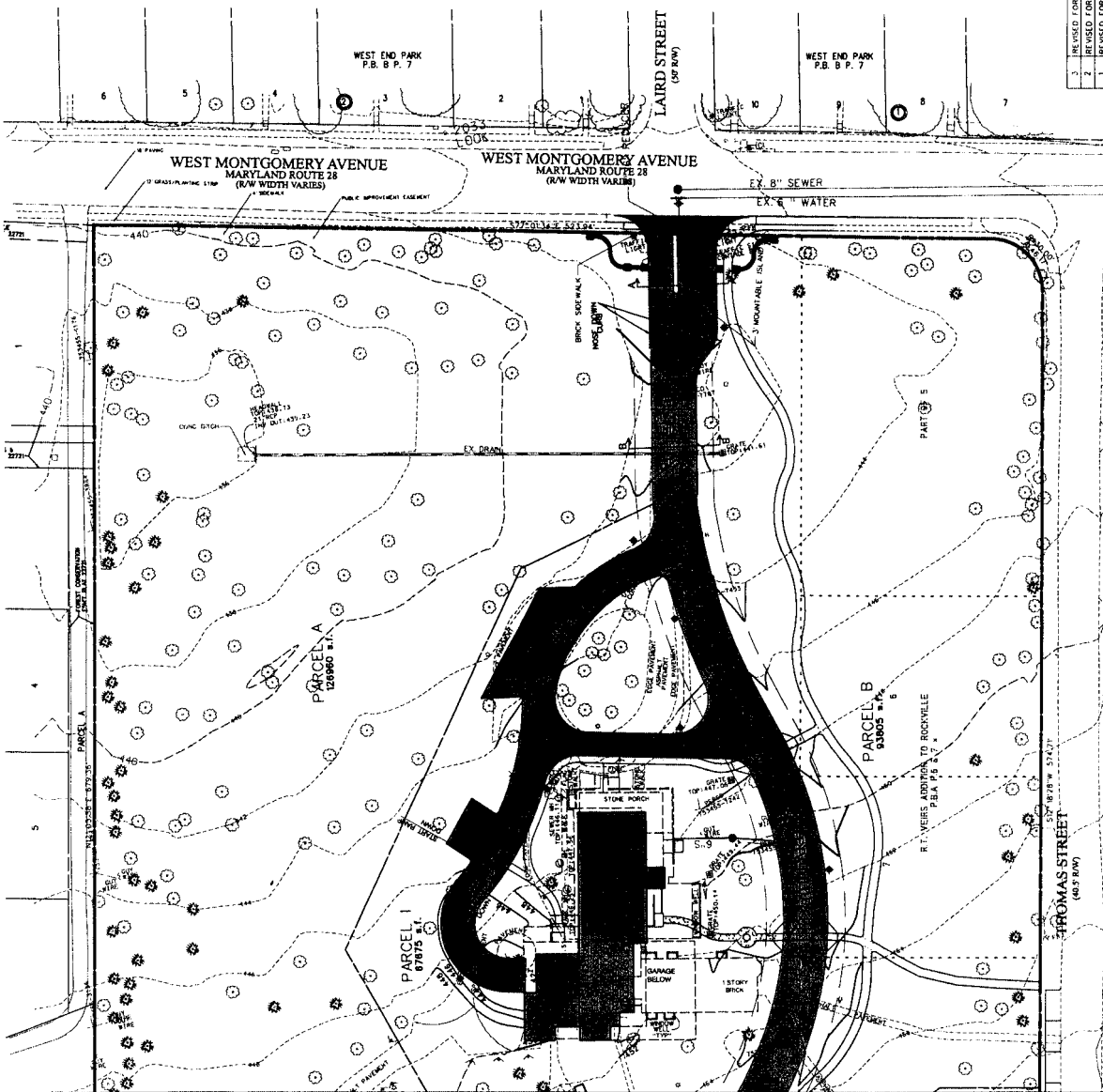
DATE PROJECT STARTED
DATE PROJECT COMPLETED
DATE ACCEPTED BY CITY
DATE CITY COUNCIL APPROVED

DEPARTMENT OF PUBLIC WORKS
CITY OF ROCKVILLE
MARTLAND AT VISION
ROCKVILLE, MARYLAND

PROJECT NO. 07-001
DATE: 04-10-08
BY: [Signature]
FOR: [Signature]

LS
LANDSCAPE ARCHITECTS, INC.
1901 Piccadilly Drive, Suite 100
Rockville, MD 20850
Tel: 301.948.2700 Fax: 301.948.2697
www.LSlandscape.com

ROCKVILLE

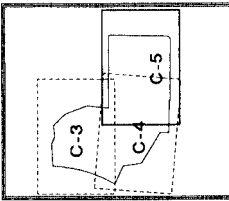


MATCH LINE SHEET C-3



SCALE: 1" = 30'

MATCH LINE SHEET C-4



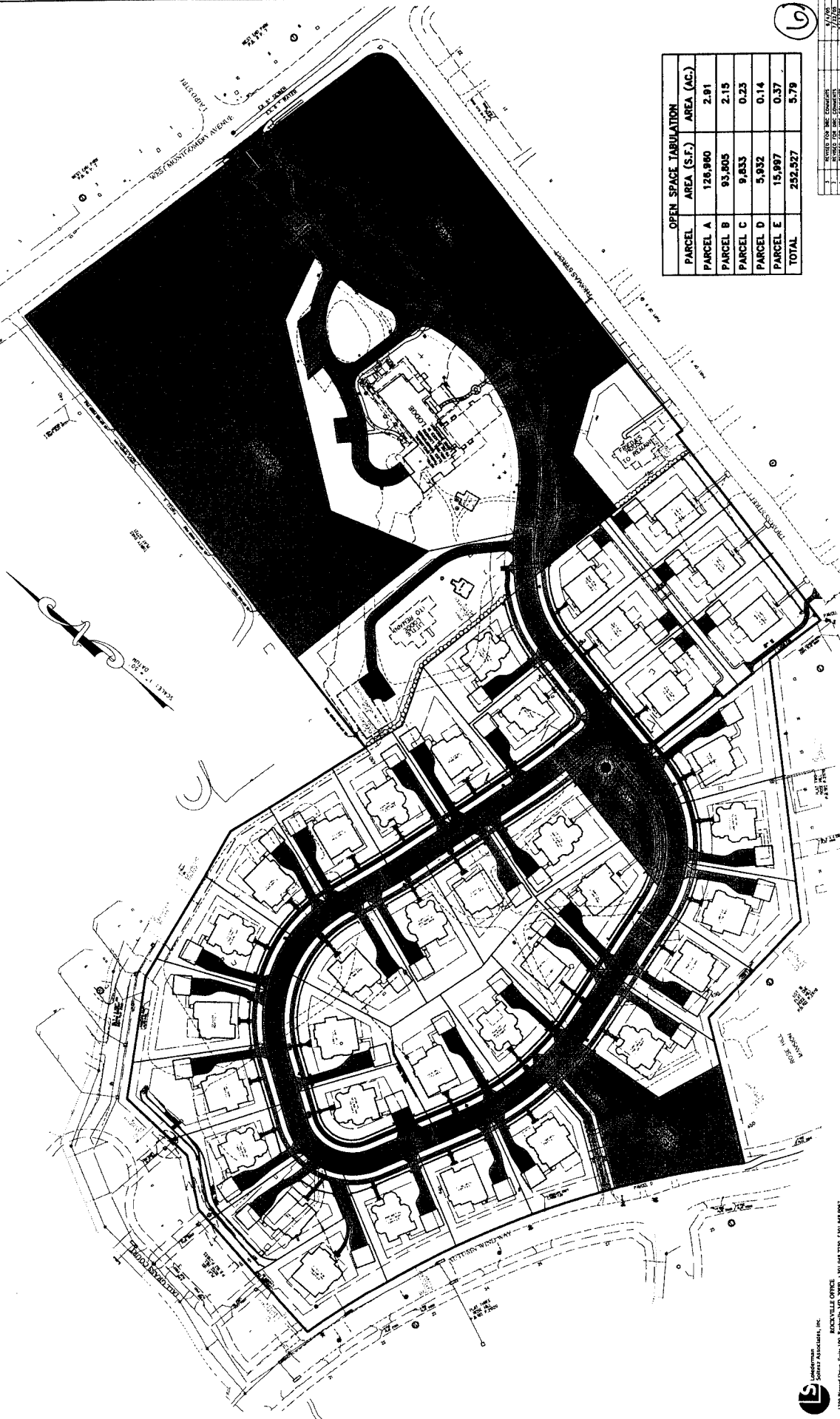
SHEET INDEX

LS
Landscape
Survey Architects, Inc.
1300 Potomac Drive, Suite 100
Rockville, MD 20850
(301) 948-2700
www.LSarchitects.com

DEPARTMENT OF PUBLIC WORKS CITY OF ROCKVILLE MARYLAND AT NOON ROCKVILLE, MARYLAND		DATE PROJECT COMPLETED DATE PROJECT COMPLETED DATE RECEIVED BY CITY DATE TIME TO APPROVE DATE WORK IS DONE	AS NOT COMPLETED DATE	EXPLORATORY APPLICATION SITE PLAN	CHESTNUT LODGE CITY OF ROCKVILLE, MD 4TH ELECTION DISTRICT	SCALE 1" = 30' DRAWING NO. 5 OF 10	FILE APRIL 4, 2008 0841-08-00
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NO.	DATE	REVISIONS	APP'D	DATE
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2	7/27/05	REVISED FOR SEC COMMENTS		
3	8/14/05	REVISED FOR SEC COMMENTS		

5

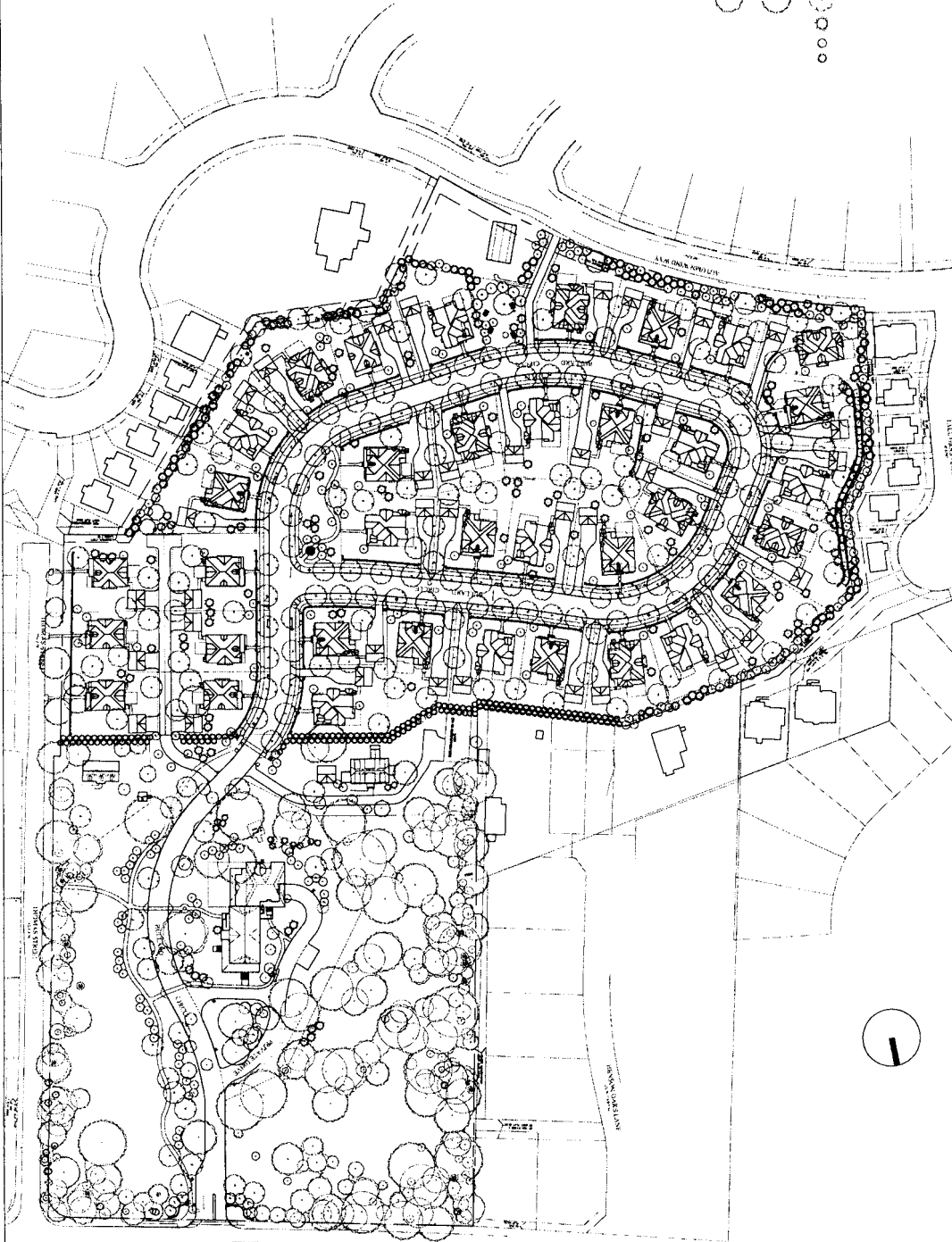


OPEN SPACE TABULATION		
PARCEL	AREA (S.F.)	AREA (AC.)
PARCEL A	126,980	2.91
PARCEL B	93,805	2.15
PARCEL C	9,833	0.23
PARCEL D	5,932	0.14
PARCEL E	15,987	0.37
TOTAL	252,527	5.79

6

DEPARTMENT OF PUBLIC WORKS CITY OF ROCKVILLE MARYLAND AT VISION ROCKVILLE, MARYLAND		COMMUNITY OPEN SPACE AND CIRCULATION SYSTEM PLAN		CHESTNUT LODGE CITY OF ROCKVILLE, MD 4TH ELECTION DISTRICT	
DESIGNED: _____ CHECKED: _____ APPROVED: _____	DATE: _____ SCALE: 1"=50' DATE: APRIL 4, 2005	NO. _____ REVISED FOR THE ENGINEERS: _____ REVISED FOR THE CITY ENGINEERS: _____ REVISED FOR THE PUBLIC WORKS: _____	NO. _____ REVISED FOR THE ENGINEERS: _____ REVISED FOR THE CITY ENGINEERS: _____ REVISED FOR THE PUBLIC WORKS: _____	NO. _____ REVISED FOR THE ENGINEERS: _____ REVISED FOR THE CITY ENGINEERS: _____ REVISED FOR THE PUBLIC WORKS: _____	NO. _____ REVISED FOR THE ENGINEERS: _____ REVISED FOR THE CITY ENGINEERS: _____ REVISED FOR THE PUBLIC WORKS: _____

L&S Associates, Inc.
 1700 Powder Drive, Suite 100 Rockville, MD 20850
 Engineering Planning Surveying Environmental Sciences
 www.LSAssociates.net



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EXISTING AND PROPOSED TREES

**LEWIS
SCULLY
GIONET**
INCORPORATED
1000 N. 10TH AVE., SUITE 200
DENVER, CO 80202
TEL: 303.733.1100 FAX: 303.733.1101

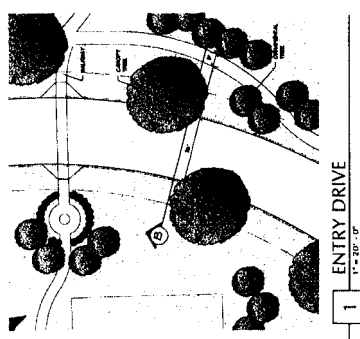
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7	10/1/03	ISSUED FOR PERMITTING
8	10/1/03	ISSUED FOR PERMITTING
9	10/1/03	ISSUED FOR PERMITTING
10	10/1/03	ISSUED FOR PERMITTING

NO.	DATE	DESCRIPTION
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2	10/1/03	ISSUED FOR PERMITTING
3	10/1/03	ISSUED FOR PERMITTING
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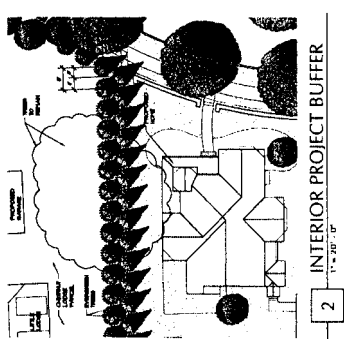
LEWIS & SCULLY
INCORPORATED
1000 N. 10TH AVE., SUITE 200
DENVER, CO 80202
TEL: 303.733.1100 FAX: 303.733.1101

ROCKVILLE OFFICE
1500 ROCKVILLE PIKE, SUITE 100
ROCKVILLE, MD 20850
TEL: 301.762.7275 FAX: 301.762.7276

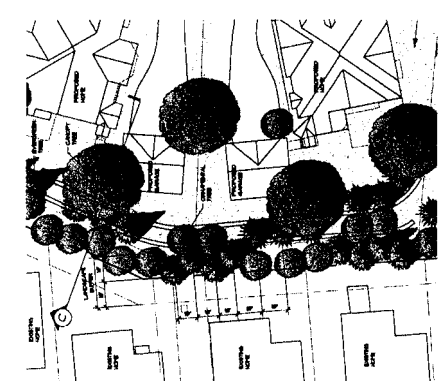
Engineering
Professional Seal
Professional Stamp



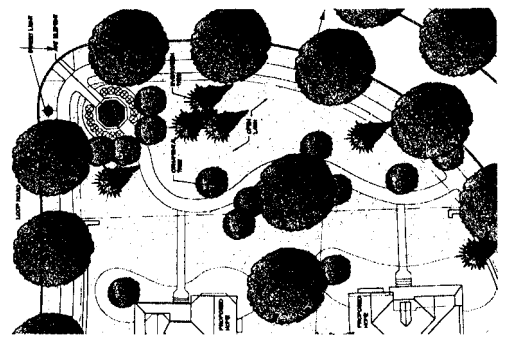
1
ENTRY DRIVE
1" = 20' - 0"



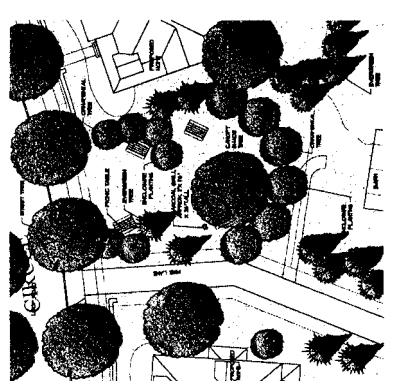
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INTERIOR PROJECT BUFFER
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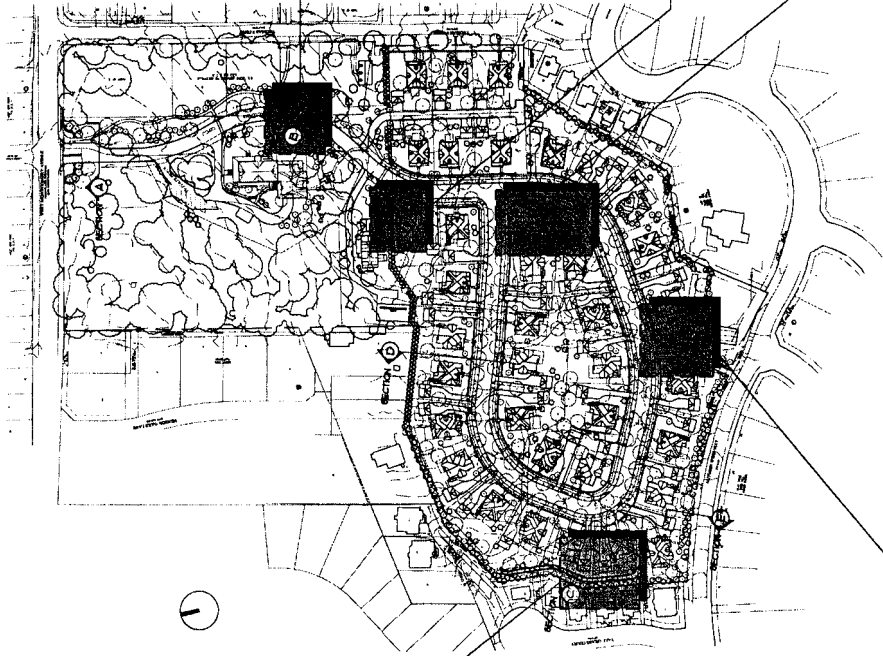
4
TYPICAL PERIMETER BUFFER
1" = 20' - 0"



3
COMMUNITY PARK
1" = 20' - 0"



5
COMMUNITY OPEN SPACE
1" = 20' - 0"



KEY PLAN
1" = 100' - 0"

KEY ENLARGEMENT PLANS

EWIS SCULLY GIONET
ARCHITECTS

10000 10th Avenue, Suite 200
Rockville, MD 20850
Tel: 301.762.0200 Fax: 301.762.0201

Project No. 10000 10th Avenue, Suite 200
Rockville, MD 20850
Tel: 301.762.0200 Fax: 301.762.0201

Scale: 1" = 20' - 0"

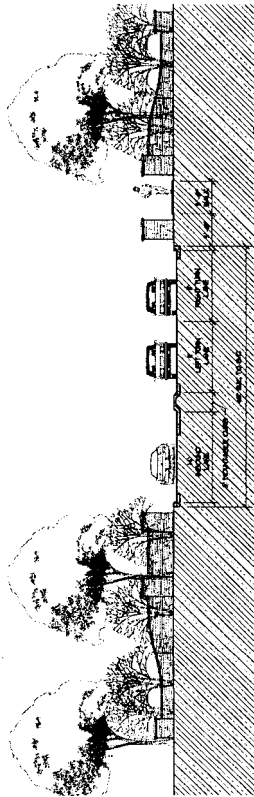
Sheet No. 10000 10th Avenue, Suite 200
Rockville, MD 20850
Tel: 301.762.0200 Fax: 301.762.0201

NOT FOR CONSTRUCTION

10000 10th Avenue, Suite 200
Rockville, MD 20850
Tel: 301.762.0200 Fax: 301.762.0201

Scale: 1" = 20' - 0"

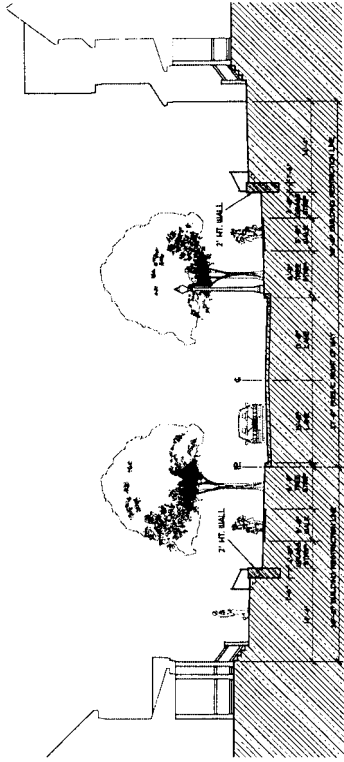
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Rockville, MD 20850
Tel: 301.762.0200 Fax: 301.762.0201



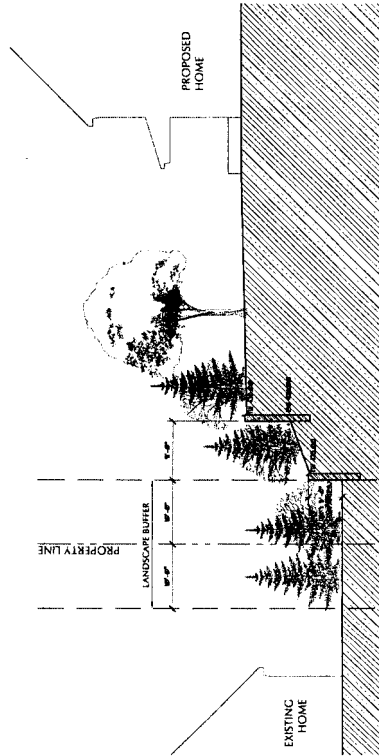
A COMMUNITY ENTRANCE (FACING OUT TOWARDS WEST MONCOMERY AVE.)
1/8" = 1'-0"



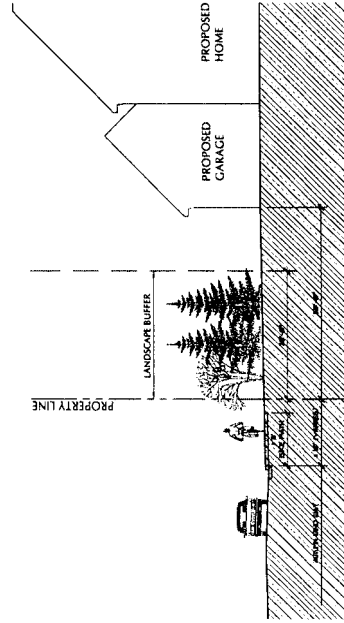
B ENTRANCE ROAD SECTION
1/8" = 1'-0"



D TYPICAL STREET SECTION
1/8" = 1'-0"



C TYPICAL BUFFER PLANTING SECTION
1/8" = 1'-0"



E SECTION AT BIKE PATH
1/8" = 1'-0"

REKVILLE OFFICE
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Lakeland, FL 33809
Phone: 888.228.2282

LEWIS SCULLY GIONET
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Lakeland, FL 33809
Phone: 888.228.2282

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SECTIONS

Sheet 9 of 10

Project 228

LAW OFFICES

MILLER, MILLER & CANBY

CHARTERED

200-B MONROE STREET
ROCKVILLE, MARYLAND 20850(301) 762-5212
FAX (301) 762-6044JAMES R. MILLER, JR. *
PATRICK C. MCKEEVER
JAMES L. THOMPSON
LEWIS R. SCHUMANN
JODY S. KLINE
ELLEN S. WALKER
MAURY S. EPNER
JOSEPH P. SUNTUM
SUSAN W. CARTER
ROBERT E. GOUGH
DONNA E. McBRIDE
MICHAEL G. CAMPBELL
SOO LEE-CHO
*Of Counsel

August 8, 2005

City of Rockville Planning Commission
Rockville City Hall
111 Maryland Avenue
Rockville, MD 20850Re: Exploratory Application No. PRU 2005-00022,
Application of Chestnut Lodge Properties, Inc.

Dear Chairman Britton and Members of the Planning Commission:

Chestnut Lodge Properties, Inc., the Applicant in Exploratory Application PRU2005-00022, concurs in your decision to defer the public hearing originally scheduled for August 15th in order to allow consideration by the full complement of Planning Commission members, as well as to allow greater participation by the general public. Our client also welcomes the opportunity to now use the August 15th session as a "courtesy review" with the goal of further familiarizing the Commissioners with the Chestnut Lodge property and the Applicant's plans for redevelopment of this important landmark site. We feel that an in-depth dialogue with the Planning Commission at the August 15th meeting will help us focus our presentation at your eventual public meeting (September 14) in a manner that will facilitate the Commission's decision-making process.

The purpose of this letter is to highlight three of the main issues which the Planning Commission will be asked to address in this Exploratory Application. We are "briefing" these issues in this letter to provide the Commissioners with background information so that you will thoroughly appreciate the Applicant's design philosophy for the Chestnut Lodge property. This analysis deals with issues of architecture, community design and character which are critical to implementation of the Applicant's program for this important new community.

I. BACKGROUND.

As the Planning Commission is well aware, the Special Development Procedures of the City Zoning Ordinance include the "Planned Residential Unit Development" technique (Rockville Zoning Ordinance, Sec. 25-546, et. seq.) which authorizes "...waiver or modification of the requirements of this chapter [Chapter 25] relating to use restrictions, development, [sic.] standards, parking, access and loading requirements, and screening and landscaping requirement..." (Sec. 25-457). It goes without

saying that the PRU process provides an alternative means of regulating land development in a manner that allows flexibility of design and the integration of mutually compatible uses to achieve better land planning than could be accomplished by adherence to the more rigid standards of conventional zoning categories. The Planning Commission and City Council previously identified the advantages of applying the PRU process to the Chestnut Lodge property when it adopted the City of Rockville Comprehensive Master Plan in November, 2002, in which Plan the following recommendation appears:

“Development under a Special Development Procedure, such as a variable lot size development, cluster development or Planned Residential Unit (PRU), is recommended if the historic and tree preservation goals are achieved. Development under the Planned Residential Unit development procedure is preferred for its flexibility in site design.”
(Master Plan recommendation attached as Attachment A).

This letter will address the rationale behind three of the major waiver/modification requests that are essential to creating the kind of community envisioned both by the City of Rockville and the Applicant.

II. ARCHITECTURE AND BUILDING RELATIONSHIPS.

Enclosed as Attachment B are charts entitled “MAIN BUILDING” and “ACCESSORY BUILDING” which establish the standards for the underlying base zone (R-90) to be applied to the proposed development. These charts show the limited instances where waivers/modifications from those standards are required to implement the Applicant’s program. The general categories of waiver requests are described below.

A. Main Buildings on Lots; Minimum Setbacks.

The Planning Commission will note on the attached chart entitled “MAIN BUILDING” (Exhibit B) that nine lots are selected for a one foot waiver from the R-90 side yard setback of eleven feet. This one foot waiver allows more flexibility in model types for these lots. It also accommodates “add-on” features (e.g., bay window) to be chosen by a purchaser intending to individualize a new home, thus providing greater variety in the appearance of residences within the community.

B. Height of Accessory Buildings.

The Applicant appreciates the City’s concern about the height of accessory structures as represented in pending Text Amendment TXT 2005-00216. However, accessory structures in the Chestnut Lodge community are intended to be an important design component. So that the proposed garages are “linked” to the residences that they serve, we have retained the same roof pitch as found on the principal structure on each lot. The design team considers this roof line treatment important to ensure that the garages contribute to the appearance of the community rather than look like “after thoughts”. In respect of the City’s concerns about the use of garages, a conventional roof truss system will be employed for the garages resulting in vertical and diagonal 2” x 4” structural members filling the airspace under the roof leaving no room for storage or habitation.

C. Location of Accessory Structures.

The City's Zoning Ordinance requires that accessory structures be located in the "rear yard". (Sec. 25-311). "Rear yard" is defined as the space behind not only the rear plane of the main structure but also all extensions, such as decks, to the main house. While in most instances, proposed garages are sited behind the rear wall of the house, possible deck extensions shrink the "rear yard" area and make it difficult to achieve technical compliance with the Zoning Ordinance.

As described above in paragraph II.B. when discussing height of accessory structures, the garages proposed by the Applicant are important design elements in creating the atmosphere of the new Chestnut Lodge community. In many instances, the garages have covered porticos that accentuate the relationship with the main structure. Pushing the garages further to the rear of a lot to achieve technical compliance with the Zoning Ordinance could be done, but at the expense of diminishing the appearance and design harmony between the principal and subordinate structures on each lot. Accordingly, the Applicant believes that a waiver of the "rear yard" locational requirement is necessary and appropriate to maintain the design integrity of the Chestnut Lodge community.

III. PUBLIC STREET STANDARD.

Enclosed is an exhibit (Attachment C) which demonstrates the Applicant's proposal for treatment of the public and "quasi-public" realm within the Chestnut Lodge community. This "cross-section" should be compared with the public street standard currently employed by the City in typical residential subdivisions. Basically, the typical City requirement would be for a right-of-way of sixty (60) feet with the street itself and all sidewalks, street trees and utilities located within that sixty foot ROW. By comparison, the Applicant proposes a dedicated right-of-way 27 feet 4 inches wide (identical to what is known as a "tertiary street" under the Montgomery County, Maryland Road Code) which extends from back-of-curb to back-of-curb and which provides twenty-six (26) feet of paving. Adjacent to the narrowed ROW, sidewalks and street trees will be located on individual lots and will be maintained by the homeowners' association. The various public utilities will also be located on private property pursuant to a standard Public Utilities Easement PUE).

The reason the Applicant seeks a waiver of the applicable provision of Section 21-20 of the City Code dealing with right-of-way width is because enforcement of the typical sixty foot wide street width in conjunction with thirty foot front yard setbacks imposed by the R-90 zone, would create a span of one hundred twenty (120) feet between the front planes of confronting houses. By comparison, the Applicant's proposal, shown on Attachment C, results in an "open" distance of 87 feet 4 inches between faces of houses on either side of the looped street to be known as "Bullard Circle". The difference of 32 feet 8 inches between these measurements is remarkable when observed in the field. There is a tremendous loss in "intimacy" or "sociability" that will occur if the proposed new residences cannot achieve a closer physical relationship with their confronting neighbors. One can literally sense the "friendliness" that emanates from the Applicant's house siting plan because of, among other things, proximity, a feeling that is diminished by use of wider public rights-of-way. To experience the "feel" that the Applicant is trying to achieve with this waiver request, the Commissioners should visit Kent Oaks Way or Tschiffely Square Road in "Kentlands", Gaithersburg, employing similar house front-to-house front proportions, to observe how use of a reduced public street right-of-way creates a more cohesive community than one would find if using a conventional suburban standard sixty foot wide street.

Use of a modified street width also allows installation of features important to the character of the proposed community – brick paver sidewalks and stone “kneewalls” – to be installed on private property so that they do not need special attention from the City’s Department of Public Works.

We know that the City likes the design that the Applicant has proposed regarding the physical relationship of confronting residences and the special treatments to be found in the Chestnut Lodge community. But, Rockville is concerned that, some day in the future, the City will be asked to take over public maintenance of such private elements as brick sidewalks, stone retaining walls, special design street lights, etc. This Applicant has previously developed similar high quality, amenity-laden communities where identical or comparable special features were made the subject of HOA maintenance. We expect the residents of the “Chestnut Lodge” community to be proud of the special treatments described above, willing to maintain those unique features and, most importantly from the City’s point of view, capable of maintaining these features at a level commensurate with the quality of the community.

IV. USE OF MULTI-FAMILY DWELLING UNITS.

The City has shown its farsightedness in recommending the PRU Special Development process for the Chestnut Lodge property since that technique allows relaxation of restrictions to permit the use of “multiple-family dwelling units” in the R-90 zone. (Sec. 25-548(1)). However, the City did not appear to be optimistic that apartments would be introduced into the historic Chestnut Lodge structure when the City’s Master Plan was written in 2002. Multi-family units are not mentioned in the Master Plan text (Attachment A). The sole reference to reuse of the Lodge buildings reads:

“Finally, a hotel/spa use in the Main Lodge Building may be an acceptable use as long as it is limited primarily to the existing buildings, without major additions, and is buffered from the adjacent neighborhoods, and protects the site’s historic buildings and trees. This would require either a text amendment or the creation of a new zone to provide for this option.”
(Master Plan, page 11-23, Attachment A).

Therefore, the Applicant should be congratulated for its extraordinary effort to reuse the historic Lodge in a manner that restores the structure to its original appearance (with a complementary addition) and which adds more residences by utilizing the existing historic multi-storey structure.

Unfortunately, the introduction of multi-family units in the Lodge building carries with it a companion requirement to “...[convey] land to the City as a public park....” (Section 25-553(a)). This concept concerns the Applicant and is the basis for the request to waive the technical requirement of Section 25-553(a) for the following reasons.

A. Inapplicability of Section 25-553(a) to the Chestnut Lodge situation.

Although the original purpose for Section 25-553(a) and its requirement to dedicate land for a public park has been difficult to verify, the Applicant’s research, including conversations with former City employees, lead Chestnut Lodge Properties, Inc. to conclude that this

Section was not intended to address situations like the one presented by Exploratory Application No. PRU 2005-00022. After studying this matter, it appears that the rationale for Section 25-533(a) (or at least one of the reasons) was to mandate the creation of more public land to offset the higher density of a proposed project to be achieved through use of multiple family dwelling units. For instance, for a project with environmental constraints (e.g., stream valley, unbuildable slopes, etc.), use of apartments could help a builder reach the density allowed in the underlying base zone without being pressured to encroach into these environmentally sensitive areas. In that event, it would be appropriate for the Applicant to dedicate the unbuildable land to the City to be annexed into a stream valley park system, or the like. There is nothing in Section 25-553(a) that suggests that land to be dedicated to public use must be appropriate for active recreational uses.

With that information as background, it seems to the Applicant that it is being penalized for having the creativity (and courage) to propose residential units for the Lodge building as a means of achieving the City's goal of preservation of that landmark structure. Therefore, the requirement to convey land can justifiably be waived under the circumstances of the Chestnut Lodge application because it is an inapplicable situation not intended to be covered by this statute.

B. Compliance with City Master Plan and Historic Preservation Design Guidelines.

A request to waive the dedication provisions of Section 25-553(a) has become an issue because the Department of Parks and Recreation has stated that it would like to acquire part of the Lodge property as parkland, presumably from land within the West Montgomery Avenue Historic District. Although a specific use has not yet been determined, suggestions have included a tot lot, a picnic area, an exercise course, or even plain open space. For reasons to be detailed later in this letter (Paragraph IV.C., below), the Applicant feels that such use is inconsistent with the planning advice which it gleaned from the Master Plan and Historic Design Guidelines.

1. Master Plan.

The 2002 Master Plan recommendations (Attachment A) clearly communicated the message that the iconic front lawn of the property and the "mature plantings" had become a visual feature, virtually a public amenity, that should be retained and preserved. Public facilities such as playground equipment, picnic benches and exercise stations would, or at least could, detract from the pristine quality of this area which was intended by the City to remain untampered.

2. Design Guidelines.

The Design Guidelines adopted by the City to direct review of the development proposals for the Chestnut Lodge property convey with more energy the importance of the grounds of the property, and the mature vegetation on the site as a distinct landmark for the City.

As background for formulation of the Design Guidelines, the City's publication notes:

"The appearance, setting and materials of the historic buildings are largely intact and the site preserves the original suburban park-like setting.... The treed lawn,

orientation and buildings in their original locations contribute to its importance in understanding the use and development of the Woodlawn Hotel/Chestnut Lodge property as the product of another era.”
(Design Guidelines: “Site Significance”).

When describing what Guidelines should be applied to applications covering the Lodge property, the following is stated:

“6.5 Environmental Setting

A. Maintain the historic aesthetic character of the public view of the historic structures and streetscape from West Montgomery Avenue and the intersection of West Montgomery Avenue and Thomas Street.

B. This site contains a large number of mature and significant trees that define and contribute to the streetscape of West Montgomery Avenue. Preservation of the open front portion of the site also helps to achieve the 20% afforestation requirement of the RS zone. Tree removal within historic districts must be approved by the Historic District Commission. If the City Forester determines that a tree is dead or presents a safety hazard, HDC staff may authorize immediate approval of its removal.

* * *

D. Consider the financial benefits of providing an easement on historic district open space property along West Montgomery Avenue and Thomas Street and on the exteriors of the historic structures. A preservation easement is a voluntary legal agreement that protects a significant historic, architectural, archaeological or cultural resource and grants to the holder, typically a governmental body or a qualified nonprofit organization, the perpetual right to maintain the character and appearance of that portion of the property....”

The above Design Guideline provisions reinforce the importance of the front open space to the environmental setting of the property and the City's concern that it be protected as much as possible, even recommending the additional protective measure of a perpetual preservation easement.